



## League of Women Voters of Minnesota Records

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PROPOSED  
CIVIL SERVICE  
BILL

*For the*

STATE of MINNESOTA

*With*

ANNOTATIONS



*This bill was drafted by and is recommended by the Minnesota Civil Service Council composed of the representatives from the following state-wide organizations here listed which are committed to the principle of the merit system in public service.*

**Miss Ruth H. Mitchell, Chairman**

**Mrs. Harington Beard, Minnesota League of Women Voters.**

**Allan Briggs, American Legion, Department of Minnesota.**

**Mrs. Myrtle Hooper Dahl, Minnesota Education Association.**

**Mrs. Olivia Johnson, Minnesota Federation of Business and Professional Womens Clubs.**

**J. S. Jones, Minnesota Farm Bureau Federation.**

**Mrs. Elliot Macgraw, Minnesota Parent Teacher Association.**

**Frank X. Novak, Minnesota State Federation of Labor.**

**Mrs. Elmer Parsons, American Legion Auxiliary, Department of Minnesota.**

**A. R. Rathert, Minnesota State Federation of Teachers.**

**Sam Turner, Minnesota Junior Chamber of Commerce.**

#### **CONSULTANTS**

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**Harold Henderson, Executive Secretary Minnesota Institute of Governmental Research.**

## **FOREWORD**

The Civil Service Council of the State of Minnesota herewith presents its Civil Service Bill which has been prepared after a thorough study of civil service systems and conditions in other sections of the country. The statewide organizations which were represented on the Minnesota Council are listed on page 2 in this pamphlet.

Three broad groups of society play an important role in any attempts to establish civil service procedures. The general public is vitally concerned with the improvement of governmental procedures. The second group is made up of the administrative heads of government departments and agencies. Finally, there is the large group of public employees whose livelihood, opportunities for a career, and working conditions are inevitably linked up with the entire recruitment, selection, and appointment procedures as outlined in a civil service statute.

The interests of each of these three groups are motivated by definite objectives yet all have a common goal.

This bill incorporates the common objectives of the participating groups into a carefully developed merit system program. The various sections and subsections of the bill represent conclusions which were arrived at only after careful discussion of each point by the representatives of the various organizations on the Civil Service Council. The bill therefore represents a cross section of Minnesota opinion which cannot be overlooked by the members of the state legislature.

The most important sections are supplied with explanatory material. It was not possible to do this in connection with every point, but the major items of interest are provided with special annotations.

It will be noticed that the bill is so drawn that the Department of Civil Service will dovetail with existing state agencies such as the Department of Administration and Finance, the Office of the Governor, and other departments.

The bill is herewith presented to the citizens of the State of Minnesota with the recommendation of the representatives on the Civil Service Council.

June, 1938.

## A BILL

FOR AN ACT CREATING A DEPARTMENT OF CIVIL SERVICE FOR THE STATE OF MINNESOTA; PRESCRIBING THE POWERS, DUTIES, AND PROCEDURE OF THE CIVIL SERVICE BOARD AND THE DIRECTOR OF THE STATE CIVIL SERVICE IN SAID DEPARTMENT; PROVIDING FOR AND REGULATING THE CIVIL SERVICE IN SAID STATE; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT; REPEALING CERTAIN ACTS AND PARTS OF ACTS INCONSISTENT WITH THE PROVISIONS OF THIS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:—

### SECTION I. *Purpose of this Act.*

The purpose of this act is to guarantee to all citizens a fair and equal opportunity to secure employment in the civil service of the state of Minnesota; to establish conditions of service which will attract and hold officers and employees of character and capacity; and to increase the efficiency of the governmental departments and agencies by the improvement of methods of personnel administration.

### SECTION II. *Short Title.*

This act shall be known and may be cited as the State Civil Service Act.

### SECTION III. *The Department of Civil Service.*

The Department of Civil Service of the State of Minnesota is hereby created and established. It shall consist of the Civil Service Board, and Director of the State Civil Service, and all officers and employees appointed by the director for the purpose of this act.

### SECTION IV. *The Civil Service Board.*

The Civil Service Board of the State of Minnesota is hereby created and established pursuant to this act. It shall be composed of three members, who shall be appointed by the governor with the consent of the senate without regard to party affiliation, and who shall be known to be in sympathy with the principles of the merit system. The governor shall appoint the first members of the



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board within 30 days after the passage of this act. No member of the board shall hold any other public office or public employment whatsoever, the office of notary public or a military office excepted, and no person shall be appointed as a member of the board who has held an elective public office or a position in a political party within the two years immediately preceding his appointment. In nominating and appointing the first three members of the board the governor shall designate one member for a term expiring Jan. 15, 1941, a second member for a term expiring Jan. 15, 1943, and a third member for a term expiring Jan. 15, 1945. The terms of all subsequent members of the board shall be six years and until their successors are appointed and qualified. The governor may remove a member of the board only upon written charges and with the approval of the senate. Vacancies in the membership of the board shall be filled by the governor, with the consent of the senate. The term of a member appointed to fill a vacancy shall be for the remainder of the unexpired term of the member he is appointed to succeed, and until his successor is appointed and qualified. Each member shall take the oath of office before entering upon the duties of office, and such oath shall include a statement of belief in and desire to support the principles of the merit system. The chairman of the board shall be chosen by the members of the board from among their own number under such rules as they shall make. The chairman shall have the powers of a presiding officer.

The civil service board shall keep its office and records at the state capitol and shall hold its regular meetings there, but special meetings may be held in other cities in the state when in the discretion of the chairman it is necessary to meet in some other city than the capitol city of the state in the performance of the duties of the board. Meetings of the board shall be open to the public and no meetings or hearings of the board shall be held unless at least two members of the board are present. The director of the state civil service shall act as the secretary of the board. The board shall keep records and minutes of its business and official actions, and such records and minutes shall be public records open to public inspection, subject to such rules as to hours and conditions of inspection as the board may establish. It shall be the duty of the officer or officers charged by law with the custody of the state capitol building, upon written request of the civil service board, to assign suitable office space in that building for executing the duties charged to it and to the director of the state civil service.

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Each member of the board shall be paid \$15.00 per day for each day actually devoted to duties as a member of the board, but in no case shall any member be paid more than \$450.00 in any one year; **provided**, that this limitation shall not apply to payments on account of expenses; and **provided further**, that this limitation shall not apply during the first year of the board's service. Members of the board shall be paid for expenses in travel to and from meetings and for necessary expenses incurred during meetings of the board.

It has been mentioned in the foreword that the general public is one of three broad groups vitally concerned with public service. The Civil Service Council included in the above section a provision for a Civil Service Board of three members in order to guarantee that the lay public will have its interests reflected in any broad policies established in connection with civil service in the state of Minnesota.

A careful study of Sections IV, V and VI of this act will indicate that the respective functions of the Civil Service Board and the Director of Civil Service are so drawn as to make clear that the Director shall have administrative powers and that the Board have the power of general approval. The Board is responsible for broad policies but the Director of the Civil Service does the work, does the fact-finding, makes recommendations and initiates changes, subject to the approval of the Board.

Once any program is well under way, and once sufficient precedent has been established which would insure that the lay public's wishes were incorporated in the policies of the department of civil service, a lay policy-making board may become less essential. But in the initial stage, at least, it appears desirable to have a lay board of three members which can serve as a buffer between the Director of Civil Service and the public. The Board will be in a better position than the director to probe, interpret and incorporate in its policies such public opinion regarding civil service procedures as is brought to its attention.

Members of the Civil Service Board receive no salary except a per diem allowance plus expenses. A Civil Service Board as recommended in this section is not to be compared with a permanent and salaried commission of two or more members.

SECTION V. *The Director of the State Civil Service.*

The office of Director of the State Civil Service is hereby created and established pursuant to this act. The director of the state civil service shall be appointed by the civil service board on the basis of merit and fitness after an open competitive examination, open to qualified persons without regard to residence. Within 30 days after the first members of the civil service board have been appointed and qualified, and thereafter whenever a vacancy exists in the office of the director of the state civil service, the civil service board shall appoint an examining committee of three persons to examine the qualifications of all persons applying for appointments to the office of director of the state civil service. At least two members of the examining committee shall be public personnel administrators or public personnel specialists of recognized standing, at least one of whom shall be a nonresident of the state of Minnesota. As soon as practicable after its appointment, the examining committee shall examine applicants for the position of director of the civil service and shall certify to the civil service board the names of the three persons rated highest in the competitive tests and found by the committee to possess the necessary qualifications for the office of director of the state civil service, arranged in descending order with the name of the person considered best qualified listed first. The civil service board shall then appoint one of the persons so certified to the office of director of the state civil service. No person who has not been examined and certified by an examining committee as herein provided for shall ever be appointed to the office of director of the state civil service. The civil service board shall fix the compensation and shall authorize the payment of expenses of members of the examining committee provided for in this section.

The director of the state civil service shall be in the classified service and shall not be removed by the civil service board except under written charges and after a public hearing by the board.

No civil service program can hope to build up a satisfactory reputation and secure the confidence of the public unless there is guaranteed from the outset an administrative head of the civil service system who is selected strictly on the basis of efficiency, competency, capacity and judgment.

For this reason the selection procedure is extremely important. This section places the director in the classified service. The plan in the above section places the responsi-

bility to certify three candidates for the position of director upon a well qualified examining committee of three. At least two of these examiners shall be public administrators or public personnel specialists of recognized standing. The objectivity and scope of the selection is further assured by the provision that at least one of the personnel specialists shall be a nonresident of the state of Minnesota.

SECTION VI. *Powers and Duties of the Director of the State Civil Service and of the Civil Service Board.*

(1) The director of the state civil service shall be the executive and administrative head of the state department of civil service and shall exercise supervision and control over all examinations and over the conduct of the department. He shall act as the board's adviser on all matters pertaining to the civil service of this state.

(2) It shall be the duty of the director and he shall have power:

- i. To attend all meetings of the board.
- ii. To prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of this act. Such rules shall provide, among other things, for current service records for all officers and employees subject to the provisions of this act; the manner of completing appointments and promotions; rejection of eligible candidates; competitive examinations; creation of eligible lists with successful candidates ranked according to their rating in the examinations; leaves of absence with and without pay; transfers, reinstatements, layoffs, vacations and hours of work; public notice of examinations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment.
- iii. To appoint temporary and permanent examiners, including a chief examiner, clerks, stenographers, and such other employees and officers as are necessary to carry out the provisions of this act. Such employees and officers shall be chosen in accordance with and shall be subject to the provisions of this act.
- iv. To keep in the office of the department of civil service an official roster of the state civil service which will show the employment history of each and every person who has been appointed to, employed, promoted, reduced or

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reinstated in any position in such service. This roster shall show in connection with each name the date of appointment, employment, promotion, reduction, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, sick or annual leaves, and separations from the service. The director shall have access to all public records and papers, the examination of which will aid in the discharge of his duty in connection with said roster.

- v. To prepare, in accordance with the provisions of this act and the rules adopted thereunder, examinations, eligible lists, and ratings of candidates for appointment.
- vi. To make certifications for appointment within the classified service, in accordance with the provisions of this act.
- vii. To make investigations concerning all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder.
- viii. To prepare a report and submit the same to the civil service board not later than October 1 of each even-numbered year, including therein any recommendations he may have for the most effective accomplishment of the purposes of this act. He may also prepare an annual report.
- ix. To discharge such other duties as are imposed upon him by the provisions of this act and to do such other things as are lawful and necessary in accomplishing the purposes of this act.

(3) It shall be the duty of the civil service board and it shall have power:

- i. To approve or reject rules and regulations and amendments thereto prepared and recommended by the director for carrying out the purposes of this act. Such rules and regulations and any amendments thereto shall not be put into effect by the board until after a public hearing by the board, of which two weeks published notice shall have been given that a hearing at a specified place and time is to be held upon the proposed rules and regulations, and that any citizen, officer or employee of the state of Minnesota may attend and participate in such hearing. Copies of all rules and regulations shall be sent to all state appointing officers, and printed copies of such rules

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and regulations and amendments thereto shall be prepared for public distribution.

- ii. After public hearing, to approve or reject plans for the classification of positions in the state civil service prepared and recommended by the director of the state civil service.
- iii. After public hearing, to approve or reject compensation schedules for positions in the state civil service prepared and recommended by the director for submission to the commission of administration and finance.
- iv. To make investigations either at the discretion of the governor or a citizen, or of its own motion, concerning the enforcement and effect of this act.
- v. To approve, to order printed, and to transmit to the governor not later than November 15 of each even-numbered year the report of the department of civil service prepared by the director.
- vi. To conduct hearings and pass upon charges preferred against any officer or employee in the classified service for the purpose of demotion, suspension, or removal of such officer or employee, in accordance with the provisions of this act.
- vii. To hear and pass upon such other matters as the director of the state civil service may from time to time bring before the board for determination.
- viii. To do such other things as are expressly required of the board by the provisions of this act.

As was indicated in the annotation following Section IV, it is extremely important that the duties of the Director be distinctly outlined and enumerated so that there may be no tendency to confuse the respective functions of the Director and the Civil Service Board. Experience has shown that difficulties ensue unless careful differentiation is made between the policy-making functions of a lay board and the executive functions of the administrative officer.

### SECTION VII. *Powers of the Board and the Director in the Conduct of Investigations.*

(1) The civil service board or any member thereof, or the director of the civil service when authorized by a majority vote of the board, may issue subpoenas to compel the attendance in this



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state of witnesses and the production of books and papers pertinent to any inquiry or investigation authorized by this act; or may take depositions of witnesses as provided by Sections 9820 to 9838 inclusive of Mason's Minn. Statutes, 1927. The board or any member thereof, or the director when authorized by the board, may administer oaths and take testimony. The board or the director may examine such public records as they require in relation to any matter which they have authority to investigate. All officers and other persons shall attend and testify when required to do so by the board, or the director when authorized by the board.

(2) In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the district court of any county or the judge thereof, on application of any one of the members of the board, or the director when authorized by the board, may issue an order requiring each person to comply with such subpoena and to testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(3) Each person not in the classified or unclassified services who appears before the board or the director by order shall receive for his attendance the fees and mileage provided for witnesses in civil actions in the district court, which fees and mileage shall be audited and paid upon presentation of proper vouchers. Witnesses subpoenaed at the instance of parties other than the board or the director shall be entitled to compensation from the state for attendance or travel only if the board certifies that the testimony of such witnesses was relevant and material to the matter investigated.

(4) The board and the director, in conducting hearings and investigations in accordance with the provisions of this act, shall not be bound by the technical rules of evidence.

### SECTION VIII. *Salaries of Director and Employees in the Department Civil Service.*

The salaries of the director and other members of the staff of the state department of civil service shall be fixed in accordance with salary schedules established as authorized by this act; **provided**, that, pending the establishment and adoption of such compensation schedules, their salaries shall be fixed by the civil service board. The salary of the director, however, shall not be less than that paid to heads of other major state departments.

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### SECTION IX. *The Unclassified and Classified Services.*

The civil service of the state of Minnesota is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

- i. Chosen by election or appointed to fill an elective office.
- ii. Heads of departments required by law to be appointed by the governor, and members of boards and commissions appointed by the governor.
- iii. One private secretary to each of the elective officers of this state, other than the governor.
- iv. One executive secretary and three other confidential employees in the office of the governor.
- v. Officers and employees of the senate and house of representatives of the legislature.
- vi. Teachers, research assistants, student employees on less than half-time pay basis, presidents, deans, and administrative officers in the teachers' colleges and the state university; but this subdivision shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers or clerical workers performing duties in connection with the business administration of such institutions.
- vii. Officers and enlisted men in the national guard and the naval militia.

(2) The classified service comprises all positions now existing or hereafter created and not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as practicable shall be competitive. No person shall be appointed, transferred, promoted, or reduced as an officer, clerk, employee, or laborer in the classified service in any manner or by any means other than those prescribed in this act and the rules adopted in accordance therewith.

(3) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of this act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate registers of eligibles maintained by the department of civil service.

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In this section the bill follows the generally accepted principle that policy-determining officials should be selected by the people, either directly by the ballot, or indirectly by appointment by those selected by the ballot. All other employees are employed primarily to carry out policies rather than to formulate or take responsibility for policies, the emphasis should be on their particular ability to carry out the assignments made. For this reason only the policy-determining officers of the state are exempted from the classified service. It will be noted that there is no attempt to include members of the faculty of the institutions of higher learning in the classified service. It is customary to permit the agencies responsible for the administration of teachers' colleges and universities to establish their own requirements.

In this connection it is significant to mention that no career service, that is, promotions within a department or promotions from one department to another, is possible unless all or nearly all of the positions are in the classified service.

### SECTION X. *Status of Present Officers and Employees.*

Officers and employees holding positions in the classified service at the time when this act takes effect shall not be members of the classified service, unless they have been appointed to such positions in accordance with the provisions of this act. The director of the civil service, subject to rules and regulations of the board, shall within two years following the date upon which this act takes effect prepare and give once to all incumbents of positions in the classified service noncompetitive practical examinations involving only the duties of the positions they hold on the date of the taking effect of this act; **provided**, however, that employees who, previous to the adoption of this act, have taken and passed qualifying or competitive examinations under existing statutes shall be members of the classified service without taking the qualifying examinations herein provided for.

If the aforementioned incumbents pass such qualifying examinations they shall be given a classified status and shall be subject to and protected by the provisions of this act. If, however, any of the aforementioned incumbents fail to pass such qualifying examinations they shall be removed from their positions at the expiration of 15 days following the receipt of notice of failure to pass such examinations.

The aforementioned incumbents of positions in the classified service shall not be promoted, laidoff, suspended, discharged or reduced

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in pay or position, except in accordance with the provisions of this act applicable to members of the classified service, during the period between the adoption of this act and the receipt of notices of passing or failing to pass the qualifying examinations provided for in this section.

Appointments to offices or employments now existing or hereafter created by law in the classified service shall be made in accordance with the provisions of this act.

This section is of great interest both to incumbents and to the public. It will be noted that over a period of two years the director of the Civil Service is expected to give noncompetitive, practical examinations involving only the duties of the position held by an individual on the date the bill becomes law. Those who have passed examinations under existing statutes are exempt from taking the qualifying examinations.

This, in effect, requires incumbents who have not previously been examined to take qualifying examinations sometime within the first two years after the passage of the bill. The Civil Service Council recommends the qualifying examination because it provides a practical, economical and gradual application of the merit system and makes it possible for the state to profit by the experience of those incumbents who demonstrate their competence.

### SECTION XI. *The Classification and Allocation of Positions in the Civil Service; the Preparation and Administration of Compensation Schedules.*

(1) The director of the state civil service shall, as soon as practicable, and after consultation with appointing authorities and principal supervisory officials, classify all offices, employments, and positions in the classified service according to the duties and responsibilities of each position in accordance with the appropriate line of promotion. Titles shall be established for each class of employment for use in examining and certifying names of persons for appointment under this act, and a description of the duties and responsibilities exercised by the persons appointed to each of them shall be drawn up, minimum qualifications required for satisfactory performance of the duties of each grade and class formulated, and, so far as practicable, the lines of promotion from grade to grade or class to class shall be indicated. The titles in this classification as defined by the specifications of duties and qualifications

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shall be used for (a) original appointments; (b) promotions; (c) pay-rolls; (d) and all other records affecting the status of personnel. The classifications, when approved by the civil service board after public hearing, shall take effect immediately, shall be sent to the commission of administration and finance and shall be used by it in the preparation of the next following and subsequent state budgets. The director of the civil service may make changes in the classification whenever he deems it necessary for the efficiency of the service, and such changes, when approved by the civil service board after public hearing, shall take effect immediately, shall be sent to the commission of administration and finance and shall be used by it in the preparation of the next following and subsequent state budgets.

(2) The director of the state civil service shall, as soon as practicable after the adoption of the classification plan, prepare a schedule of salary or wage rates and ranges for each class, grade or group of positions in the classification. Such salary and wage schedules when approved by the civil service board after public hearing shall be submitted to the commission of administration and finance. When approved by the commission of administration and finance, they shall be used by that commission in connection with all pay-rolls and accounting records and with all budget estimates for all departments or agencies of the state government. The salary schedules for each class, grade, and group shall be submitted to the governor by the commissioner of the budget, and by the governor, with his recommendations, to the legislature at the time of the transmission of the biennial budget. Unless changed by the legislature the salary and wage schedules so prepared by the director of the civil service and approved by the civil service board and the commission of administration and finance shall become the current official compensation rates applicable to the various classes and grades as enumerated. Nothing in this section shall prevent the legislature from increasing or reducing the salary or wage rates of all positions in an entire grade or group uniformly but it shall not increase the rate of pay of any grade or group beyond the rate in the next higher grade or group, nor reduce the pay of any grade or group below the rate of pay fixed for the next lower grade or group in the same service.

(3) The director of the civil service shall allocate each office, position, or employment in the classified civil service to one of the grades and classes within the classification, subject to an appeal to the board by an employee immediately affected, and thereafter all salary rates, schedules or compensation policies shall apply

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uniformly to all positions within each grade, in accordance with rules and regulations established by the civil service board.

(4) The classification, and salary or wage schedules applying thereto, existing at the time this act becomes effective shall continue in effect until changed in accordance with the provisions of this act.

Basic to the operation of an effective merit system is a sound classification system. This has been called "the most important tool of central personnel administration." No effective merit system can be devised without an adequate classification plan which, in turn, can only be set up after a thorough study of the duties and requirements of the various positions in public employment.

Under a classification plan employment in the public service is classified according to the duties performed, the lines of responsibility followed, and the minimum requirements in education, training, and experience demanded. It is only through such a plan that a salary schedule can be worked out which recognizes the fundamental principle of "like pay for like work under like conditions." The effect on the morale of employees is obvious. Unequal pay among those doing the same sort of work is always a chief source of discontent.

## SECTION XII. *Nature of Examinations; Notice; Qualifications of Applicants.*

(1) All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office or employment sought by them but due regard shall be shown for the capacity of the applicant for promotion to higher positions in the civil service.

(2) The competitive examinations shall, after published notice, be open to all applicants who are citizens of the United States, who have been residents of this state for one year prior to the date of examination, and meet with reasonable standards or requirements fixed by the director with regard to experience, character, age, education, physical condition, and such other factors as may be held to relate to the ability of the candidates to perform satisfactorily the duties of the position. The director may require candidates in filing their applications to submit certificates of general or special qualifications as the good of the service may require. Exam-



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inations shall be held at such times and places as in the judgment of the director most nearly meet the convenience of applicants and the needs of the service. For positions requiring professional, technical, or unusual qualifications, the director may, subject to the approval of the board, open competitive examinations to residents of other states who are citizens of the United States and who are otherwise qualified.

(3) The director may also require candidates to undergo an examination at designated places in the state, in cases where oral tests or tests for manual skill or the use of instruments in construction work may be necessary to determine the fitness of such candidates.

It has been stated following Section V that it is essential to have a qualified director. One of the functions of the director will be to provide reasonable and acceptable examination procedures. It is possible under sincere and capable leadership to establish examinations which will be fair, honest and objective. These may be oral, written or practical tests giving due weight to the experience of an applicant. New type short answer tests have been designed which eliminate the old bugaboo of long and tedious written examinations. For professional positions frequent use is made of the nonassembled type of examination.

It is not essential that an applicant be a high school or college graduate in order to qualify for a large number of positions now existing in the State of Minnesota. It has been estimated that at least 50 per cent of the positions in state agencies could be held by persons who are not high school graduates. It follows, therefore, that the argument that only a high school or college trained person can qualify under the merit system does not hold. At the same time, it must be pointed out that it is an accepted American ideal to emphasize the value of educational training. It is only logical that we call upon our schools and colleges to furnish a large number of our public servants.

### SECTION XIII. *Refusal to Examine Applicants or to Certify Eligibles.*

(1) The director may refuse to examine an applicant, or after examination to certify an eligible, who is found to lack any of the preliminary requirements established for the examination for the position or employment for which he applies; or who is physically

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so disabled as to be rendered unfit for the proper performance of the duties of the position to which he seeks appointment; or who is addicted to drugs or is an habitual user of intoxicating liquors to excess; or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact; or who directly or indirectly shall give, render or pay, or promise to give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, or proposed appointment; or who practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment; or who refuses to furnish testimony as required in section VII.

(2) Whenever the director refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, then said director, if requested by the person so rejected, shall give to him the reasons for such refusal to examine or to certify, as the case may be. Appeal may be had from the decision of the director to the board, subject to the rules of the board.

(3) When any position requires the appointee to furnish a bond, such information shall be included in the announcement of the examination for said position.

### SECTION XIV. *Political or Religious Affiliations of Applicants and Employees.*

No question in any form of application or any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised, by any person in the civil service against or in favor of any applicant, eligible, or employee in the civil service because of his political or religious opinions or affiliations.

**This section reiterates the fundamental principle of personal freedom guaranteed in the Constitution of the United States of America.**

### SECTION XV. *Appointments, Promotions and Reinstatements.*

(1) Appointments, promotions and reinstatements to all positions in the classified service under the provisions of this act,

and the rules made in pursuance thereof, shall be made from among those certified to the appointing officer.

(2) The term of eligibility of applicants on original entrance and reinstatement lists and on promotion lists shall be six months, but such term may be extended by the director. In no case, however, may eligibility be extended for a period of more than three years.

(3) Appointments shall be made from the appropriate eligible list, but if no such list exists then the director may certify from such other list as he deems the next most nearly appropriate. A new and separate list shall be created for a stated position only when there is no satisfactory list. The director shall have authority to establish separate eligible lists applicable to various localities. No person shall be appointed or employed under any title not appropriate to the duties performed, and no person shall be transferred to, nor assigned to perform the duties of, any position in the classified service, unless he has previously qualified therefor under the provisions of this act.

#### SECTION XVI. *Notice of Vacancies; Method of Appointment.*

(1) Appointing officers shall give written notice to the civil service director of their intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service and, within a reasonable time after the receipt of such notice, the director shall certify from the register of eligibles, appropriate for the grade and class in which the position is classified, the three names at the head thereof, except as provided in Section XXI of this act.

(2) The appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in Section XXI of this act. The provisions of this section shall not apply when the office or employment is among those listed in section XVIII for which competitive examinations are not required.

This section provides, that the appointing officer who, in most instances, will be the department head, shall be given a choice of the three highest candidates. In addition, the department head may make use of, as will be noticed in Section XIX of this act, the probation period of six months during which he has opportunity to observe the work of the employee before the employee is finally considered a perma-

nent member of the employing agency. In this manner Sections XVI and XIX explode the myth that under the merit system a departmental head has no selection privileges.

#### SECTION XVII. *Promotions.*

(1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the classified service and, subject to such exceptions as the board may provide, from the lower class or group within the particular classification, and in accordance with section XVI of this act and the rules of the board. Promotions shall be based upon merit and fitness to be ascertained by competitive examinations in which the employee's record of service, character, conduct and seniority shall constitute a factor.

(2) For the purpose of this section an increase in the salary or other compensation of any person holding an office or position subject to the provisions of this act beyond the limit fixed for the grade in which such office or position is classified shall be deemed a promotion.

(3) Any promotional appointee, who is dismissed from the position to which he was promoted either during the probationary period, or at the conclusion thereof by reason of the failure of the appointing authority to file a request for his continuance in the position, shall be restored to the position from which he was promoted. Nothing contained in this section shall be construed to prevent any employee of the classified service from competing for places upon registers of persons eligible for original appointment.

One of the criticisms of the spoils system is that the able employe has little guarantee of promotion. This section provides for a definite promotion procedure.

#### SECTION XVIII. *Noncompetitive Appointments.*

Positions in the classified service may be filled without competition only as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director is unable to certify from any appropriate eligible list for the vacancy, the director may issue a provisional permit or certify a suitable person to fill such vacancy provisionally only until a selection and appointment can be made after competitive examination; but no person shall receive more than one provisional appointment nor serve

## MINNESOTA CIVIL SERVICE COUNCIL

more than three months in any calendar year as a provisional appointee.

(2) In case of an emergency, an appointment may be made without regard to the provisions of the act, but in no case shall continue longer than 10 days, and in no case shall successive emergency appointments be made. This provision shall apply to both persons and positions. No person shall receive more than three emergency appointments in any one or different positions within one year.

(3) In case of vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the board upon recommendation of the director may suspend the requirements of competition in such case, but no suspension shall be general in its application to such position, and all such cases of suspension shall be reported in the biennial report of the department with the reasons for the same.

(4) Where the services to be rendered by an appointee are for a temporary period not to exceed three months and a proper list of eligibles is not available, the director shall certify for such temporary service any person he deems qualified. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position. Successive temporary appointments to the same position shall not be made under this provision. No person shall receive more than one temporary appointment within one year.

**This section is significant in that it protects the integrity of the merit system procedure. Temporary appointments can become a major stumbling block in any civil service. All genuine temporary appointments are here taken care of but at the same time adequate precautions have been taken to prevent abuse of such emergencies.**

### SECTION XIX. *Probationary Appointments.*

All original appointments to and promotions within the classified service shall be for a probationary period of six months, but dismissals or demotions may be made at any time during such period, subject to provisions of Section XVII, subsection (3). At

## MINNESOTA CIVIL SERVICE COUNCIL

the end of the probationary period the appointing officer shall notify the director in writing whether the probationer is a satisfactory employee and should receive the status of a permanent appointee. Upon such notice the employee, if his service during the probationary period did not fall below such minimum standards as have been prescribed by the director of the civil service, shall be deemed to have a permanent classified civil service status; otherwise the employee is automatically separated from the service except as provided in Section XVII, subsection (3).

### SECTION XX. *Transfers; Reinstatements.*

(1) Transfers in the classified service may be made from a position in one grade and class to a position in another grade and class when the duties and compensation are similar and when such action is specifically approved by the director of civil service.

(2) Any person who has held a position by permanent appointment in the classified service under the civil service law and rules and who has been separated from the service without any delinquency or misconduct on his part may be reinstated within one year from the date of such separation to a position in the same or similar grade or class in the classified service, but such action shall be subject to the approval of the director of civil service.

### SECTION XXI. *Layoffs; Abolition of Positions.*

(1) Whenever one or more employees in the classified service are laid off because of a shortage of funds or curtailment of service or for any other reason beyond their control, the order of layoff shall be determined according to rules established by the board, which shall take into account records of service, character, conduct and seniority, and the names of such employees shall be placed at the heads of the appropriate register.

(2) In every case of layoff of a permanent officer or employee, the appointing authority shall 15 days before the effective date thereof give written notice to the employee and the director of civil service. In any case where an appointing authority refuses to certify, or fails to certify before the effective date thereof, that the layoff was for reasons not reflecting discredit on the employee, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissals, as provided in this act.

(3) Whenever positions in the classified service are abolished by statute or by administrative action, the names of the incumbents of such positions, if they are members of the classified serv-



## MINNESOTA CIVIL SERVICE COUNCIL

ice, shall be placed at the head of the appropriate register, in accordance with rules established by the board which shall take into account records of service, character, conduct and seniority.

(4) Persons who have been separated from the classified service because of layoff or the abolition of positions shall be given preference over all other eligibles in filling vacancies in the same or similar positions within the department in which they were employed immediately prior to their separation from the service, and the director shall certify for each vacancy only the former officer or employee whose name stands first on the appropriate eligible register.

**Employees who are laid off through no fault of their own are given preference by being placed at the head of the appropriate eligible register. In this way they become available and are in line for reappointment when any positions are opened up. This applies also to employees whose positions have been abolished. In this way there is eliminated the attempt sometimes made deliberately to abolish the position in order to bring about the dismissal of an employee for reasons other than inefficiency or incompetence.**

### SECTION XXII. *Suspensions; Demotions; Dismissals.*

(1) No permanent employee in the classified service who shall have been appointed under the provisions of this act or the rules made pursuant thereto shall be removed, discharged, suspended without pay for more than fifteen days in any one calendar year, or reduced in pay or position except for just cause, which shall not be religious or political.

In case of any such disciplinary action as enumerated above in this section, the employee shall, before such action is taken, be furnished with a statement in writing specifically setting forth the reasons for such disciplinary action. A copy of such statement shall be filed with the director of civil service prior to the effective date thereof.

Such employee, upon written request to the civil service board made within 30 days thereafter, may demand a hearing to determine the reasonableness of such action and the board shall grant the employee a hearing within 60 days after receipt of such request.

After hearing and considering the evidence for and against such disciplinary action, the board shall approve or disapprove the action. In case of approval the disciplinary action shall be

## MINNESOTA CIVIL SERVICE COUNCIL

deemed final as ordered; in case of disapproval the board shall reinstate the employee under such conditions as it deems proper.

If the board finds that the disciplinary action was for religious or political reasons, then the employee shall be forthwith reinstated in his position and be reimbursed for any loss of pay occasioned by such disciplinary action.

(2) Provisional employees as defined in subsection (1) and temporary employees as defined in subsection (4) of section XVIII may be dismissed at any time at the discretion of the appointing officer.

### SECTION XXIII. *Personnel Reports to the Director.*

Each appointing officer shall report to the director forthwith in writing upon any appointment or employment in the service, the name of the appointee, or employee, the title and character of his office or employment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and shall report from time to time upon the date of the official action in, or knowledge of, any separation of a person from the service or any promotion, reduction, suspension, transfer, reinstatement or other change therein, the efficiency of his subordinates and employees, and other information, in such manner as may be prescribed by the director and the rules and regulations adopted by the board.

### SECTION XXIV. *Salary Warrants and Payments.*

(1) Neither the state auditor nor other fiscal officer of this state shall draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the state, nor shall the treasurer or other disbursing officer of the state pay any salary or compensation to any person in the classified or unclassified services of the state, unless an estimate pay-roll or account for such salary or compensation containing the name of every person to be paid shall bear the certificate of the director of the civil service that the persons named in such estimate, pay-roll or account have been appointed, employed, reinstated or promoted and are performing service as required by law and the rules established hereunder and that the salary or compensation is within the salary or wage schedule fixed pursuant to law.

(2) Any sum wilfully paid contrary to the provisions of this section may be recovered from any officer or officers making such appointments in contravention of the provisions of law or of the

## MINNESOTA CIVIL SERVICE COUNCIL

rules made in pursuance of law, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of same, or from the sureties on the official bond of any of said officers, in an action in the district court of any county within the state, maintained by the director of the civil service board or any member thereof, or by a resident taxpayer therein. All moneys recovered in any action brought under this section when collected shall be paid into the state treasury.

### SECTION XXV. *Action to Restrain Payment of Salaries.*

Any citizen shall have the right to bring action to restrain the payment of salary or other compensation to any person appointed to or holding any office or place of employment in violation of the provisions of this act, and such right shall not be limited or denied by reason of the fact that said office or place of employment has been classified as, or been determined to be, not subject to competitive examination; **provided**, however, that any judgment or injunction in any such action shall be prospective only and shall not affect payments already made or due to such persons by the proper disbursing officer, in accordance with the rules of the civil service department in force at the time of such payments.

### SECTION XXVI. *Required Observance of this Act; Penalty for Violation thereof.*

All officers and employees of this state shall conform to, comply with, and aid in all proper ways in carrying into effect the provisions of this act and the rules prescribed thereunder. Any wilful violation of this act by officers, officials or employees of the state shall be deemed a gross misdemeanor. Conviction of same shall render the public office or position held by such person vacant.

### SECTION XXVII. *Specific Offenses Enumerated; Penalty for Violation.*

Any civil service board member, director, or examiner, or any other person,

(1) Who wilfully or corruptly by himself or in cooperation with one or more persons, defeats, deceives or obstructs any person with respect to his or her rights of examination of registration according to this act or to any rules or regulations prescribed pursuant thereto, or

## MINNESOTA CIVIL SERVICE COUNCIL

(2) Who wilfully or corruptly falsely marks, grades, estimates or reports upon the examination or proper standing of any person examined, registered, certified, employed or promoted pursuant to the provisions of said sections, or aids in so doing, or

(3) Who wilfully or corruptly makes or files any false representations concerning the person examined, registered, certified, appointed, employed or promoted, or

(4) Who wilfully or corruptly furnishes any person with any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, being appointed, employed or promoted, or

(5) Who personates any other person, or permits or aids in any manner any other person to personate him or her in connection with any examination or registration, or application or request to be examined or registered, or

(6) Who wilfully or corruptly shall appoint to a position in the classified service or dismisses, suspends, reduces in rank or pay any officer or employee from any position in the classified service otherwise than in compliance with and in conformity to the provisions of this act and the rules and regulations of the civil service board adopted pursuant thereto, or

(7) Who wilfully or corruptly refuses or neglects otherwise to comply with or conform to the provisions of this act and the rules and regulations made pursuant thereto, or violates any of such provisions, shall be deemed guilty of a gross misdemeanor.

Any conviction under this section shall render the public office or position held by person or persons so convicted vacant and such person or persons shall be ineligible to held public office for a period of five years from the date of such conviction.

### SECTION XXVIII. *Restraint upon Political Activities; Penalty for Violation thereof.*

(1) No officer or employee holding a position in the classified service of this state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assistance, assessment, subscription or contribution, whether voluntary or involuntary, for any political party from any officer, agent, clerk or employee of the state or from any outsider. Every officer, agent, clerk or employee who has charge or control in any building, office or room occupied for any purpose of said government, or who occupies space in any public building or public office, shall prohibit the entry of any person for the purpose of therein making,

## MINNESOTA CIVIL SERVICE COUNCIL

collecting, receiving or giving notice of any political assessment, subscription or contribution. No person shall enter, or remain in any said office, building or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive any such assistance, assessment, subscription or contribution. Any person who violates any provision of this section shall be guilty of a gross misdemeanor, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.

(2) The attorney general shall advise and assist the board. It shall be the duty of the county attorney of the county wherein a violation of this act shall have occurred, on his own motion or upon complaint being made to him, to prosecute any person or persons violating any of the provisions of this act.

(3) Any officer or employee in the state classified service shall resign from the service upon filing as candidate for state public office.

The merit system was devised as a way to free government service from some of the inherent evils of the patronage system. As early as 1883 the federal government in adopting the merit system recognized that, if employees are to be chosen on a nonpolitical basis, political neutrality must be safeguarded as far as their effectiveness in their specific position is concerned. This does not mean that employees, as citizens, must necessarily discontinue all interest in their own government. On the contrary, they should under the merit system be free to express their opinions and to vote as they wish. The above section prevents any act which would compromise the state employee or which would compel him to jeopardize efficiency on the job because of undue political pressure or partisan influence.

### SECTION XXIX. *Use of Public Buildings.*

The officers having control of public buildings in municipal, county, and school governments shall, upon request of the director of the civil service, furnish convenient space for examinations and necessary furniture, heat, and light for accommodation of the local examiners and for the holding of examinations. The director may request state or local officers or employees to aid in carrying out the provisions of this act, and it shall be the duty of such officers

## MINNESOTA CIVIL SERVICE COUNCIL

and employees, insofar as it may be consistent with their other duties, to give such aid upon written request of the director.

### SECTION XXX. *Veterans' Preference.*

Preference shall be given to honorary discharged veterans of past wars in examinations conducted by the director under the provisions of this act as follows:

A credit of 10% of the unit used in grading the examination to be added to a passing grade for disabled veterans, and a credit of 5% of the unit used in grading the examination to be added to a passing grade for all other veterans.

A disabled veteran is defined as one who is rated disabled and receiving compensation from the United States Veteran's Administration.

The person thus preferred shall not be disqualified from taking examinations for the classified service on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform properly the duties of the position applied for.

Strictly speaking, the principle of the merit system allows no exceptions from the rule that the best possible person, objectively selected, shall be appointed to a given position. For this reason, veterans' preference, or preference for any other group, is inconsistent with the theory of the merit system in the absolute. The members of the Civil Service Council, however, recognize that the sacrifices made by the veterans of former wars, together with the fact that existing statutes already provide for veterans' preference, make a compromise desirable. For this reason three exceptions were made from the absolute merit system procedure in that (1) nondisabled veterans are given a credit of 5% added to the passing grade in grading the examinations, (2) a credit of 10% is added to the passing grade for disabled veterans, and (3) that the age and physical disability limitations placed on all other applicants are waived in the case of veterans who wish to qualify for taking examinations, providing such age or disability does not render the applicant incompetent properly to perform the duties assigned.



SECTION XXXI. *Service to Local Governments; Cooperation with Other Civil Service Agencies.*

(1) The services and facilities of the state civil service department and its staff shall be available upon request, subject to rules prescribed therefor by the board, to local governmental subdivisions of the state. In making such service and facilities available, it shall be understood that requirements for the enforcement and administration of the provisions of this act shall be given precedence and that the local governmental subdivisions shall reimburse the state for the reasonable cost of such services and facilities.

(2) The board may enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees. The board may also join or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration.

This section offers the assistance of the State Department of Civil Service and its staff to such local governmental agencies as request the assistance of the state department. This service is entirely optional and not compulsory to any local group. Nothing in this section is to be interpreted as placing any governmental subdivisions of the state under the merit system by the passage of this act.

SECTION XXXII. *Training of State Employees.*

The director of the civil service shall devise plans for and cooperate with appointing authorities and other supervisory officers in the conduct of employee training programs to the end that the quality of service rendered by persons in the state civil service may be continually improved. Provision shall be made in the rules adopted by the civil service board in pursuance of this act to permit employees in the classified service to secure leaves of absence for the purpose of enrolling in courses of training for government service; and provision also may be made in said rules to permit qualified students to serve as internes or apprentices for a period not greater than one year in the several departments and agencies concerned.

In-service training or post-entry training has been defined as "any type of training which is formally pursued by the public servant after entry into the service under official direction or sponsorship and conducted with relation

to work assignments or for a better understanding of his career." More and more public agencies are carrying on this type of training not only to stimulate growth but also to provide the public with the guarantee that each employee is thoroughly familiar with the most recent developments in his own particular field of activity. Such in-service training is usually optional. Sometimes provisions are made for internships in public agencies which provide advanced practical training prior to official appointment involving actual work or close relationship with public service activity.

SECTION XXXIII. *Repeal of Inconsistent Acts.*

All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed, any provision of the act of April 25, 1931, chapter 347, to the contrary notwithstanding.

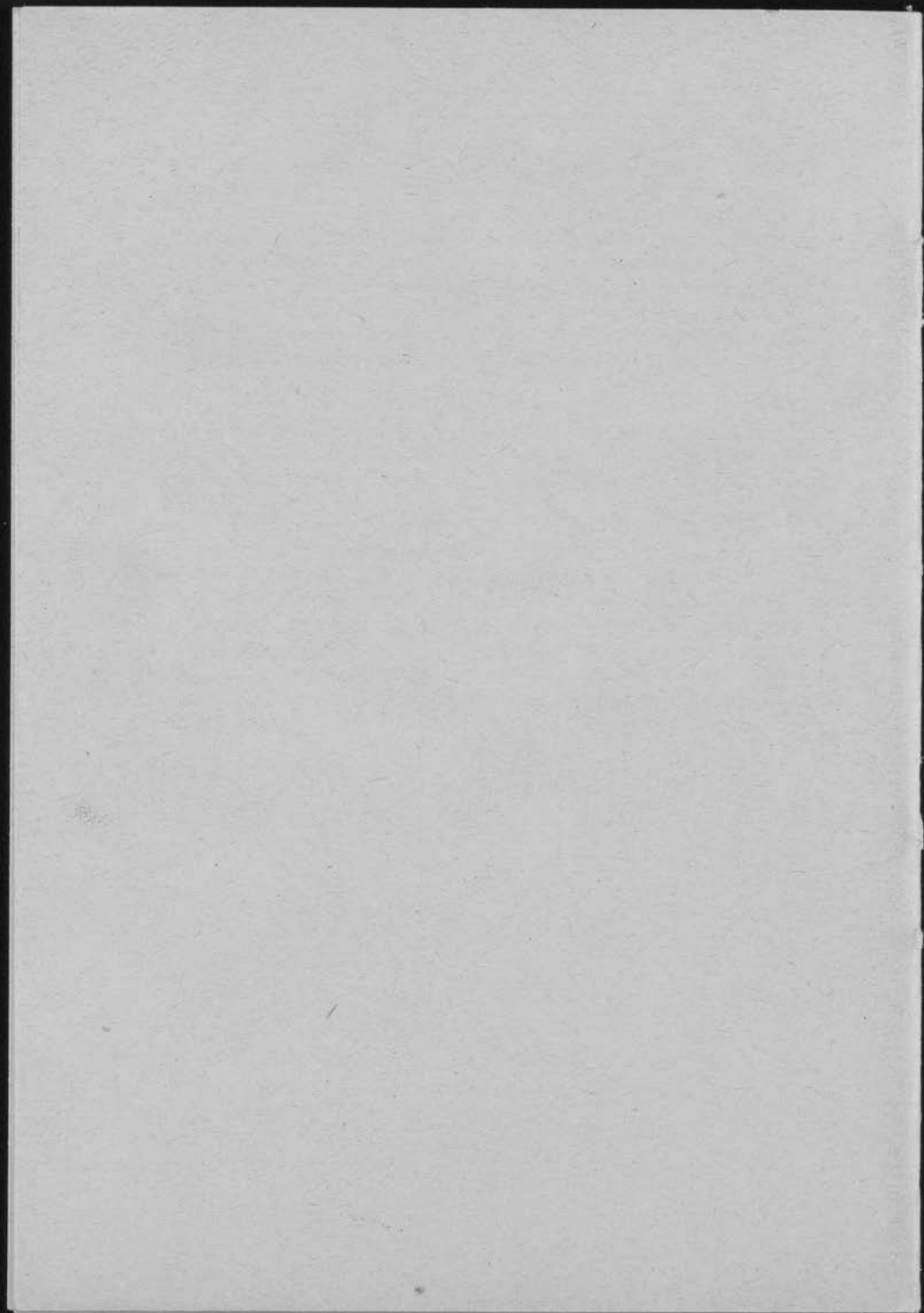
SECTION XXXIV. *Validity of this Act.*

The provisions of this act shall be severable and, if any of the provisions shall be held to be invalid, the decision of the court respecting such provision or provisions shall not affect the validity of any other provisions which can be given effect without such invalid provisions. It is hereby declared to be the legislative intent that this act would have been adopted by the legislature had such invalid provisions not been included herein.

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A BILL FOR AN ACT RELATING TO STATE CIVIL SERVICE AND AMENDING  
MASON'S SUPPLEMENT 1940, SECTION 254-60 (2).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. That Mason's Supplement 1940, Section 254-60 (2),  
be amended so as to read as follows:

"(2) The director of the state civil service shall, as soon as practicable after the adoption of the classification plan, prepare a schedule of salary or wage rates and ranges for each class, grade or group of positions in the classification. Such salary and wage schedules when approved by the civil service board after public hearing shall be submitted to the commission of administration and finance, who may approve or reject, such schedules. When approved by the commission of administration and finance, they shall be used by that commission in connection with all payrolls and accounting records and with all budget estimates for all departments or agencies of the state government. The salary schedules for each class, grade, and group shall be submitted with its recommendations, to the legislature at the opening of the next legislative session. Unless changed by the legislature the salary and wage schedules so prepared by the director of the civil service and approved by the civil service board and the commission of administration and finance shall be come the current official compensation rates applicable to the various classes and grades as enumerated. Nothing in this section shall prevent the legislature from increasing or reducing the salary or wage rates of all positions in an entire grade or group uniformly but it shall not increase the rate of pay of any grade or group beyond the rate in the next higher grade or group, nor reduce the pay of any grade or group below the rate of pay fixed for the next lower grade or group in the same service; provided ~~XXXXXXXXXX~~ however, that no reduction shall be made in the salary or compensation of any employee who was in state employment on April 22, 1939, and who at said time received a salary of \$150. or less per month, and that no reduction shall be made in the salary or compensation of any employee who was in state employment on April 22, 1939, and continuously for five years immediately prior thereto."

Cash about  
\$125,000

LEAGUE OF WOMEN VOTERS

MANKATO, MINNESOTA

[1942?]

Enclosed my interviews with  
the Secretary of Police and Fire Department.  
Civil Service Commission in Mankato

Mrs A Flaten

Pres. Mankato League.



# LEAGUE OF WOMEN VOTERS

MANKATO, MINNESOTA

1. Do you feel that modification of our present veterans preference laws would permit improvement of personnel practices in your city?

Ans. Yes.

2. Does your civil service system provide a point preference; if so, what? Or do you give absolute preference?

Ans. Yes - 5 points - absolute for disabled preference.

3. Do you believe that the application of veterans preference, where a veteran who scores 70 in an examination is promoted over a non-veteran who scores 99 affects the efficiency and morale of your employees? If so, in what way?

Ans. Yes, largely through preventing any promotion to the non-veteran at any time now or later.

## LEAGUE OF WOMEN VOTERS

MANKATO, MINNESOTA

4. Could you give examples which show how little chance a non-veteran has in promotional examinations? For example, an eligible list in Minneapolis shows that the veteran who ranked 92nd will be certified before the non-veteran who ranks 4th in the same examination.

Ans. The present acting chief of police is a non-veteran and cannot be appointed permanently now or later.

5. Is it your opinion that the interest of the public would be better served, if all eligibles were required to pass an examination before receiving preference?

Ans. All take the same examination and all graded before the extra points are added.



LEAGUE OF WOMEN VOTERS

MANKATO, MINNESOTA

6. In what ways do our present veterans preference laws hamper civil service in your city?

ans. Due to age and physical restrictions for appointment to the police department we are receiving applications only from veterans.

Duby Lovelace  
Sec. Mankato Police  
Civil Service Commission

## LEAGUE OF WOMEN VOTERS

MANKATO, MINNESOTA

1. Do you feel that modification of our present veterans preference laws would permit improvement of personnel practices in your city? Yes I do. The veteran has too much of a lead on other candidates for positions and just because he is a veteran

2. Does your civil service system provide a point preference; if so, what? Or do you give absolute preference? The state law makes the appointment of a veteran mandatory where passes the tests regardless at various levels of accomplishment, the veteran even if he be the lowest receives the appointment under the state law.

3. Do you believe that the application of veterans preference where a veteran who scores 70 in an examination is promoted over a non-veteran who scores 99 affects the efficiency and morale of your employees?

If so, in what way? My answer to the above

## LEAGUE OF WOMEN VOTERS

MANKATO, MINNESOTA

question is yes, but in actual practice in the fire department in Mankato a veteran chosen not to use his preference in this promotion over a non-veteran because he believed it would not promote "good feeling" such spirit is rarely found but is in our fire department.

4. Could you give examples which show how little chance a non-veteran has in promotional examinations? For example, an eligible list in Minneapolis shows that the veteran who ranked 92nd will be certified before the non-veteran who ranks 4th in the same examination.

We have had no such experience as the example cited above but it is entirely possible

5. Is it your opinion that the interest of the public would be better served if all eligibles were required to pass an examination before receiving preference? According to the rules under which we operate all persons must pass the written & oral examinations before any consideration is given for appointment whether one be veteran or non-veteran. After the passing

# LEAGUE OF WOMEN VOTERS

MANKATO, MINNESOTA

of the examination, however, then the veteran takes precedence over all non veterans if he so wishes, but he must first receive a passing grade.

6. In what other ways do your present veterans preference laws hamper civil service in your city?

To date the actual functioning of the veterans preference act has <sup>not</sup> in my opinion, reduced the quality of appointments to the Mankato Fire Department. Where a fair and equitable spirit ~~does not~~ prevail civil service under veterans preference might lower the efficiency of the service to the public, but that has not been the case in the 17 years I have served as secretary to Commission of the Mankato Fire Department. Mankato can be very proud of that group of men who run our Fire Department.

Maurice J. Nelson sec.



For your  
information

1940-27  
CIVIL SERVICE

Companion civil service bills, SF 32 and HF 158, have been introduced in the legislature. They would vacate the office of Director of Civil Service and provide for the appointment of a Personnel Director by the Governor.

These points should be made about the bills and the League's position:

1. They threaten the civil service system because:
  - . they do not provide for competitive examination in selecting the director
  - . they do not provide tenure for the director.These are two essentials in maintaining the whole principle of civil service, and the League opposes these features of the bills.
2. Appointment of the director by the governor (provided by these bills) was recommended by the Interim Committee on Civil Service, BUT with the safeguards of competitive examination in selection, and tenure for the director when selected. The State League Board has not yet taken a position on appointment of the director by the governor, but as stated above, the League position is clear on the need for the safeguards.

Legislative action to date:

HF 158 passed out of the House Civil Administration Committee Feb. 23 by a vote of 10 to 6 in favor. The League's representative did not get an opportunity to testify.

SF 32 was considered in the Senate Civil Administration Committee on Feb. 23. Senator Wefald proposed an amendment incorporating the safeguards recommended by the Interim Committee of which he was a member (see above). There was no second. Again, the League representative did not get an opportunity to testify. Action by the Senate committee was delayed until next week.

Future legislative action:

HF 158 may be amended on the floor of the House to incorporate the safeguards of examination and tenure for the director. The Senate committee may act favorably on the proposals of the Interim Committee if they get strong support to do so. There may be an opportunity for the League's representative to testify next week.

Legislative feeling, as the League interprets it, will not tolerate the status quo of appointment of the director by the Civil Service Board. It will either be HF 158 - SF 32, or the recommendations of the Interim Committee.

The above is for your information if members wish to take action.

Minnesota League of Women Voters,  
914 Marquette Ave., Minneapolis  
January 19th, 1940

#### ANALYSIS OF CIVIL SERVICE SURVEYS

Approximately 450 persons were interviewed by League members throughout the state.

Thirty-four Leagues have reported on the results.

In considering conclusions that are drawn from these surveys, it must be kept in mind that this was not a "scientific" survey to judge accurately public opinion on the various questions presented, but rather was planned with the primary purpose of spreading understanding of the provisions of the law.

Following are the conclusions:

1. In response to the question as to whether the person interviewed would want his son to go into the service of the state as a career, approximately twice as many (309 - 155) approved.
2. In response to the question as to whether the person interviewed believed state employees should be subject to dismissal by the heads of their departments whenever the latter deem it expedient for the good of the service, approximately twice as many (294 - 166) thought they should, and can be said to approve of the dismissal procedure set up in the Act.
3. In response to the question on the theory of equal pay for equal work, about six times as many (416 - 59) believe this theory is sound and should be promoted through the setting up of compensation and classification schedules.
4. In response to the question with reference to participation by state employees in political activity, opinion was quite evenly divided (207 - 256) with a small majority maintaining that they should not.
5. The question on whether most of the employees of the state should be under the merit system is probably the most significant of all. The results show that a large majority (455 - 24) believe they should be under the system, which indicates a favorable attitude toward civil service.
6. With reference to veterans' preference, opinion was evenly divided between those who favor and those who do not favor such preference (238 - 220). However, among those who do, almost twice as many (88 - 149) believe that preference should not be added before reaching a passing grade, and an even greater number (56 - 185) feel that such preference should not continue beyond entrance into the service.

THESE CONCLUSIONS ARE FOR LEAGUE MEMBERS' INFORMATION ALONE - NOT FOR PUBLICATION!



Minnesota League of Women Voters  
214 Marquette Avenue, Minneapolis

FILE COPY

June 1934  
Jan 1940

#### SUMMARY OF SUPPORT OF CIVIL SERVICE

The first civil service bill given support by the League was introduced in a special session in 1935, and made practically no progress.

Concentrated effort began prior to the 1937 session. All state-wide organizations endorsing the merit principle for state employees were asked by the League to send representatives to a Civil Service Council. Organizations originally represented included: League of Women Voters, State Federation of Labor (who in turn appointed the State Employees Union to represent them), Parent-Teacher Association, Minnesota Education Association, Federation of Business and Professional Women's Clubs, American Legion, Legion Auxiliary. The first meeting was held in November 1936. The primary purpose of the Council was to attempt to draft a bill that would be acceptable to a majority of the organizations represented on the Council. (See January, 1937, Woman Voter). From the first, expert advisers have met with the Council - Dr. L. M. Short, director of the Public Administration Training Center of the University of Minnesota, Mr. C. C. Ludwig, executive secretary of the League of Minnesota Municipalities, and Mr. Harold Henderson, director of the Minnesota Institute of Governmental Research. Miss Ruth H. Mitchell, president of the Minnesota League of Women Voters, has continuously served as chairman of the Council. It is a loosely-knit organization, and no action taken by the Council is binding upon member organizations.

A drafting committee was appointed by the Council, consisting of Dr. Short, as chairman, Mr. Probst, director of the St. Paul Civil Service Commission, Mr. Henderson, and Mrs. Harington Beard, the League's representative on the Council, was appointed as the "lay" member. Prof. Field of the University met with the drafting committee as technical adviser.

The bill as drafted was introduced in the House in the 1937 session,

and numbered H. F. 98. Official endorsement of the bill was not given by the State Federation of Labor or by the Legion or Auxiliary. A bill, containing the basic provisions of administration as provided in the Council bill, but with more "leaning" toward employee protection was introduced with the backing of the State Federation of Labor.

H. F. 98 was introduced very early in the session, and many hearings were held on it and other civil service bills by the Civil Administration Committee. However, it soon became apparent that the bill was not acceptable to the state administration, whose faction had control of the House during that session, and another bill was introduced, known as the "Administration" bill. This bill, in the judgment of the League and many experts consulted by them, would not provide a basically sound merit system for the state, and was actively opposed by the League. It was, however, favorably reported out by the House committee. As it was also apparent that H. F. 98 (the Council bill) was possibly too "idealistic", League support was transferred to the bill sponsored by the Federation of Labor, with the hope that it might be strengthened by amendments on the floor of the House, or in the Senate.

A minority report in favor of this latter bill was brought to the floor of the House, and after a week's debate, the minority report was accepted, by a vote of 65 to 50, and the "administration" bill "killed." The bill was then sent to the Appropriations Committee. It re-appeared so late in the session that in order to secure consideration a special order was necessary, but such motion was lost by a vote of 73 to 49 - a two-thirds vote being necessary to secure such consideration.

In the meantime, rather casual Senate consideration was being given to the companion bill in the Senate. However, it was brought on to the floor of the Senate, strengthened considerably, and was passed unanimously late in the session, obviously because there was no real chance of its



inal passage.

In the House, the bill, according to procedure, was referred to the Civil Administration Committee, which had already proved unfriendly to good merit system bills, and all efforts to bring it to the floor of the House failed.

During this session, in addition to attending and speaking at hearings, League members, organized into a steering committee, time and again polled uncertain legislators as changes in the picture developed.

Educational efforts throughout the state were redoubled following the failure in the 1937 session. Thorough study was made by League groups of H. F. 98, with supplementary study material, including the basic principles of the bill; and a section by section analysis with comment. Public meetings were sponsored by the League throughout the state, the largest being held in Minneapolis with over one thousand persons in attendance, including gubernatorial candidates and candidates for the legislature. The pamphlet "A Merit System for Minnesota", published as an Educational Material Projects of the State Department of Education, was widely used. The League's usual questionnaire to candidates for the legislature was confined to one subject only - civil service.

The Council began regular meetings again in the spring of 1938. Three more organizations were represented - the Minnesota Junior Chamber of Commerce, the Farm Bureau Federation, and the State Federation of Teachers. Some changes were made in the bill drafted by the Council and presented to the 1937 session, but the bill was basically the same. The text of the proposed bill, with annotations, was given widespread distribution throughout the state by member organizations in the Council. A simple question and answer flier was also widely distributed. Definite support of the "Council" bill was given by the two major gubernatorial candidates, as well as by many members of the legislature.



As was previously done, the bill as drafted and recommended by the Civil Service Council, was taken to each member organization for its official endorsement. Although the bill as drafted was accepted by the State Employees Union, and although the State Federation of Labor had agreed that action of the Union would be accepted by the Federation, in September 1938 the State Federation refused to endorse the bill, requesting that it contain a "blanketing-in" provision for all employees, and absolute veterans preference. Consequently another bill was introduced with Federation sponsorship, identical to the Council bill in most particulars, but including these two provisions and others believed to be more acceptable to state employees.

The "Council" bill was introduced into the House and Senate almost on the first day of the session. Five hearings were held before the House Civil Administration Committee, and a sub-committee was appointed, with the result that a bill was reported to the House as a "committee" bill. The three chief controversial points centered around the status of present employees, exemptions from the civil service system, and veterans' preference. With the exception of these, the bill which finally passed the House on February 27th was practically the bill recommended by the Council.

On March 31st, the bill was accepted by the Senate, with amendments which made necessary the appointment of a joint conference committee. On Tuesday, April 18th, the last day on which bills might be passed for the 1939 session, the conference committee report was accepted - in the House by a vote of 90 to 24, and in the Senate 49 to 5.

The fact that civil service was under constant consideration during the entire session made necessary extremely close observation and work during the session. Time and again the outlook for passage of a good law was very dark, and only unremitting vigilance and effort, as well as political astuteness, was essential. Mrs. Beard, the League's civil service chairman, was called in to speak at many hearings, and was constantly turned to for expert advice by members of committees in both houses and by members of the

conference committee. Miss Ruth H. Mitchell, as chairman of the Council, kept in constant touch with the legislature and with the Governor. Miss Helen M. Horr, field secretary for the League, who is assigned to legislation work during sessions, was present daily.

Local Leagues were asked to write their legislators at crucial moments - particularly with reference to exemptions and veterans' preference. The League took no stand on the provisions for present employees adopted by the House and Senate, although maintaining that qualifying examinations for all employees, as provided in the Council bill, would provide the fairest method.

The provisions for present employees during and since passage of the bill have been the target for practically all the criticism against the system.

The bill was signed by the Governor on April 22nd. Mrs. Beard was appointed as one of the three members of the Civil Service Board, and was subsequently elected chairman. The Civil Service Council has decided to continue and its present function is to spread understanding of the civil service system and its operation.

To the editor:

This is the third article  
written for and released by  
the Minnesota Civil Service Council,  
Miss Ruth H. Mitchell, chairman,  
914 Marquette Ave., Minneapolis

FOR RELEASE

WEDNESDAY  
April 10, 1940

### GROWING PAINS OVER

By Vivian Thorp

The wail about civil service which went up from the recent Farmer-Labor convention at Rochester was a perfectly natural and to-be-expected noise. Similar wails have been resounding from factions of the Republican party long before the Rochester meet.

All this vocalization will bear some analysis on the ground that it is not legitimate objection to civil service per se. It is merely the inevitable reaction, so far as Farmer-Labor is concerned, of a party out of power. So far as the Republican dissatisfaction goes, it should be recognized as an active protest against the loss of patronage benefits. It's the same shoe on the same foot in both cases.

That an attempt to hamstring the civil service law should be made by the party out of power when it was passed is politically inevitable. But hamstringing attempts by any considerable part of the party which made the merit system the keystone of its election campaign is not so easy to understand.

Whatever the campaign pledges and however much platform oratory to the contrary may have preceded the passage of the law, the party out of power is bound to be the recipient of left-handed favors during the installation period if spoils system hangovers have been included in the law as finally passed.

This is just good old-fashioned "political realism." It is not to be commended; it has simply to be endured and its result minimized as far as is possible.

It was with a painful foreknowledge of this almost certain result that the framers of the original bill, a council composed of representatives of



non-partisan, non-political civic groups, undertook their task. They knew what they were up against and made every effort to further the passage of a bill which would have excluded the inclusion of such examples of "political realism."

The fight to get a bill passed which was clean of spoils system tactics was a long, bitter affair. On the whole the result was a matter for congratulation. But not entirely. The Civil Service Council found itself faced with the necessity to accept certain inclusions which left some play for spoils system hand-me-downs during the preamble to the actual installation of the merit system - notably the "house cleaning" period.

These compromises were accepted from necessity and with no enthusiasm but with the cheering realization that no matter how painful the early stages were bound to be, they would be definitely limited by the law; and that the installation when completed would leave the state with a sound civil service system.

Fortunately the relics of spoils which found their way into the house-cleaning sections of the law are now done with. Their time limit has elapsed. It is true that until competitive examinations are given, provisional appointments can be made by heads of departments. But such appointees will have to pass open competitive examinations before they can become permanent employees.

From the present stage onward there is nothing in the law which can legally smell of politics - except of course what exemptions were insisted upon by the legislature. Some of these are of course entirely justifiable - for example, all the policy making positions. It must be remembered that civil service is never meant to usurp the policy-making right of the party which has been placed in administrative power by the votes of the people.

Wails from whatever source to the contrary, it is a fact that Minnesota has a modern, fair and workable civil service system which will attract - and keep - a high class of public employees, which, after all, is the first and most important step toward efficient state government.

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# THE AWKWARD AGE IN CIVIL SERVICE

by Betsy Knapp

NATIONAL LEAGUE OF WOMEN VOTERS

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JUNE 1940



40 CENTS



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Minnesota League of Women Voters,  
914 Marquette Ave., Minneapolis  
August 1940

Price - 1 cent

## WHAT EVERY LEAGUE MEMBER SHOULD KNOW ABOUT MINNESOTA'S CIVIL SERVICE LAW

Why is there need of a civil service law? Because today government, like business, needs competent personnel to do a good job. Competent people are not attracted to state jobs unless some permanence of employment and some possibility of advancement is offered. Conditions of this sort can only be assured under a law which provides for a high-grade administration of personnel work, removed from political coercion.

What employees are covered by the Minnesota Civil Service Law? There are approximately 10,000 state employees in the classified service. The exceptions are elected officials, other policy-forming officials (i.e. department heads), teaching staffs, a few confidential secretaries, etc. (For complete list, see Section 9 of the Act).

Who is responsible for carrying out this law? The Department of Civil Service, which consists of:

- a) The Civil Service Board of three lay persons, responsible for policy-determining and semi-judicial functions, such as approval or rejection of rules, of classification of positions, and of pay schedules, making investigations, conducting hearings on dismissals, etc.
- b) The Director, the administrative head of the service, responsible for supervision and control over all examinations and over the conduct of the department and its thirty-three other employees. All employees of the Department, from the Director to the stenographers, must be selected by open competitive examination, hold civil service status, and thus be protected from the coercion of politicians.

What are the main administrative duties?

- 1) prepare the rules by which the law is amplified and which thereafter govern the conduct of the Civil Service Department;
- 2) prepare the classification plan and compensation schedules;
- 3) prepare and conduct all examinations - qualifying, open-competitive, promotional;
- 4) establish and maintain on basis of examination ratings, current lists of persons eligible for all types of state employment (eligible registers);
- 5) install a system of service ratings to evaluate employees' performance on the job;
- 6) check entire state pay roll each month to eliminate over payment and payroll padding;
- 7) plan, at request of state departments and institutions, specific training courses designed to increase the efficiency and capacity of that department's employees.

What is "classification of positions" and why is it important? Classification means sorting all positions and grouping those of similar duties and responsibilities into classes. A detailed analysis of the work every employee performs must precede any sorting. A careful classification plan is important, because on it is based the compensation plan whereby equal work receives equal pay; examinations are based on the duties and responsibilities described in the plan for each class of work; the lines of promotion for a career in government service are indicated by job titles and pay ranges. (e.g. Accountant I thru V, Child Welfare Worker I thru III, Civil Engineer I thru VII, etc.)

What is the compensation plan? It is a schedule of salaries establishing a minimum and a maximum for each class of work. Before adop-



tion the compensation plan must be approved by the Civil Service Board, after public hearing, by the Commissioner of Administration, and by the Legislative Emergency Committee.

How did present employees achieve civil service status? Employees of the state were put into four groups by the state legislature for purposes of establishing their civil service status:

- 1) war veterans
- 2) those of five years or more of state employment prior to April 22, 1939 (and employees of the Minnesota State Employment Service who had taken and passed a civil service examination conducted by the U S Employment Service);
- 3) those of less than five years of state employment and on the payroll as of August 1st, 1939, and
- 4) those hired after August 1st, 1939.

The following table shows the disposition of each of these four groups. Those in 3) are now serving their probation period; those in 4) must still take open competitive examinations.

	Number in group	No. receiving status	Type of examination	Probation period
1) Veterans	1 500 (approx)	1 500	None	None
2) "Five Year"	4 021*	4 007	None	Six months, beginning 4-22-39
3) Less than five year	4 450	4 270	Qualifying	Six months
4) Hired after Aug. 1, 1939**	500 (approx)		Open competitive	Six months

\*includes 77 employees of State Employment Service

\*\* Hired to fill positions vacated by virtue of death, resignations, promotions, etc.

What annual savings will civil service effect? Savings are difficult to estimate but will accrue from:

Annual replacements by recruits who must start at minimum pay for their respective classes. This represents ordinary turnover due to death, resignations, dismissals, etc. Estimated savings - \$125,000.

Additional savings will undoubtedly result from:

more carefully payroll checking which results in savings effected by eliminating overpayment and payroll padding;  
greater efficiency due to hiring more efficient employees;  
through in-service training increasing their capacity; and  
elimination of excessive turnover, long recognized by private business as a costly practice, necessitating expense of training many recruits.

The budget of the Civil Service Department is \$85,000 for 1940-41. On the basis of savings that can be estimated, it more than pays its way. On the basis of other anticipated savings, it is a necessary investment that will pay real returns.

#### References:

A Calendar of Minnesota's Civil Service System, Aug. 1940, Minn. LWV - 5 cents  
The Awkward Age in Civil Service, June 1940, National LWV, 40 cents

Minnesota League of Women Voters,  
914 Marquette Av., Minneapolis  
August 1940

Price - 2 cents

FILE COPY

"TWENTY QUESTIONS" ON CIVIL SERVICE

Check the correct answer.

Each question counts five points - 75 is passing grade.

We League of Women Voters members should rate 100!

1. The purpose of a modern civil service law is
  - 1) to provide tenure for employees?
  - 2) to prevent political activity of employees?
  - 3) to attract and hold capable employees and provide a career of advancement?
2. The Minnesota Department of Civil Service is in charge of
  - 1) a three-member commission?
  - 2) a lay policy-forming board and a director as administrative head?
  - 3) a single director?
3. The Director is appointed and removed by
  - 1) the Civil Service Board?
  - 2) The Governor?
  - 3) the Legislature?
4. The Director must be appointed from a list
  - 1) of Minnesota residents?
  - 2) the three top survivors in a nation-wide competitive examination?
  - 3) submitted by the Governor?
5. The Director and all members of the Department's staff are
  - 1) in the classified service, removed only on charges proved against them?
  - 2) not in the classified service?
6. The Civil Service Act "blanketed in"
  - 1) all 10,000 plus state employees?
  - 2) war veterans?
  - 3) no employees?
7. Employees of five or more years of state employment
  - 1) had to take a qualifying examination?
  - 2) were subject only to a six months' probationary period?
  - 3) had to take open competitive examination?
- 8) Employees of less than five years employment and on the payroll Aug. 1, 1939 had to take
  - 1) qualifying examination?
  - 2) open competitive examination?
  - 3) no examination?
- 9) Employees placed on the payroll after Aug. 1, 1939, must take
  - 1) open competitive examination?
  - 2) qualifying examination?
  - 3) require only recommendation of department head?
10. The classification plan
  - 1) classifies positions exclusively within each state department?
  - 2) groups all state positions of like duties and responsibilities, regardless of department, and establishes titles for each class?

11. The purpose of a sound classification plan is
  - 1) to raise salaries?
  - 2) to reduce salaries?
  - 3) to equalize salaries and establish a sound basis of "equal pay for equal work"?
12. The Civil Service Board establishes department policies, adopts rules, classification and pay plans proposed by the Director
  - 1) without public hearing?
  - 2) only after public hearing?
  - 3) on approval of the Governor?
13. Examinations to test fitness of applicants are
  - 1) entirely written?
  - 2) oral?
  - 3) whatever method or combination of methods best measures requirements for the position - written, oral, manual, physical?
14. Notices of open competitive examinations, containing full information on positions, its duties, special requirements, pay, closing date for filing application, etc., are
  - 1) given at least two weeks published and posted notice?
  - 2) secured only by inquiry from Civil Service Department?
15. The duration of eligible registers (i.e. lists) - re-employment, promotional, and original entrance, shall be for
  - 1) two years?
  - 2) one year?
  - 3) one year which director may extend, but not beyond three years?
16. During an employee's six months probationary period, his department head may
  - 1) not dismiss until end of six months?
  - 2) dismiss at any time?
  - 3) dismiss only on proving charges?
17. To acquire classified status, a probationer needs
  - 1) only to continue in his position beyond the six months' period?
  - 2) written notice from his department head to the Civil Service Department that he is satisfactory?
18. Promotions to positions in a higher class may be made
  - 1) at will of department head?
  - 2) on basis of competitive examination rating in which employee's efficiency, character, conduct and seniority shall all constitute a factor?
19. Causes for dismissal of employees holding classified status
  - 1) are listed in detail in the Act?
  - 2) only religious and political reasons are prohibited, and burden of proof of inefficiency, misconduct, etc., is placed on department head?
20. That monthly payroll checking to prevent overpayment and payroll padding
  - 1) includes entire pay roll, both classified and unclassified?
  - 2) includes only classified employees?

Reverse page for correct answers.

17. - 2)	13. - 3)	9. - 1)	5. - 1)	1. - 3)
18. - 2)	14. - 1)	10. - 2)	6. - 2)	2. - 2)
19. - 2)	15. - 3)	11. - 3)	7. - 2)	3. - 1)
20. - 1)	16. - 2)	12. - 2)	8. - 1)	4. - 2)



Minnesota League of Women Voters,  
914 Marquette Ave., Minneapolis  
August 1940

Price - 5 cents

A CALENDAR OF MINNESOTA'S CIVIL SERVICE SYSTEM  
Based on material furnished by the  
Civil Service Department

- April 22 Governor signed Civil Service Act which became effective as of this date.  
1939
- War veterans (defined Sec. 31) employed by the State (approx. 1 500) acquired permanent civil service status without examination or probation period. (Sec. 38) but subject to classification of positions.  
Veterans dismissed before Civil Service Board was appointed either took their cases to court, or delayed action until the Board was appointed and could arrange a hearing.
- Employees of five or more years of state employment (approx 4 000) began six months' probation period, to close October 22, 1939. This group was exempt from examinations but subject to classification. (Sec. 10-1)  
"Five-year" employees during the probationary period could be dismissed or demoted without a hearing and without proving charges against them, (Sec. 21 and Sec. 10-3), the customary procedure during any and all probation periods. This interpretation has been sustained by the courts.
- May 21 Governor appointed Civil Service Board (Sec. 3-1) as follows:  
1939 Mr. Francis W Russell, Cold Springs 6 year term  
Mrs. Harington Beard, Minneapolis 4 year term  
Mr. Wilbur E Elston, St. Peter 2 year term
- May 22 Civil Service Board held its first meeting. Mrs. Beard was elected  
1939 chairman (Sec. 3) For duties and salaries of Board members, see Sec. 5, and Sec. 6.
- May 29 Board appointed examining committee to conduct examinations for position  
1939 of Director of the State Civil Service (Sec. 4). The persons appointed were: Dr. Lloyd M. Short (chairman), Director, Public Administration Training Center, University of Minnesota  
Mr. C. C. Ludwig, Executive Secretary of the League of Minnesota Municipalities  
Mr. David V Jennings, Chief Examiner of the Milwaukee County Civil Service, and then President of the Civil Service Assembly of the U S and Canada
- June 16 Board engaged temporary staff (2 men from Public Administration Service)  
1939 for preliminary studies on classification and compensation. They prepared position questionnaires and got these into the hands of all state employees.
- June 26 Closing date for filing applications for position of Director. 62  
1939 applications received from 17 states, the District of Columbia, and the Isthmus of Panama.
- July 11 Written examination for position of Director held in 16 cities throughout the United States, the top 22 of which were later examined orally in several convenient centers.  
1939
- Aug. 1 After this date all persons entering state service became subject to open  
1939 competitive examination. (Sec. 11)



Aug. 2      The examining committee certified to the Civil Service Board the three  
1 9 3 9      highest ranking competitors (Sec. 4) in the examination for Director.

Aug. 9      Board appointed Kenneth C Pennebaker, highest ranking competitor, as  
1 9 3 9      Director of the State Civil Service. He is in the classified service.  
              (Sec. 4)

Aug. 16      Director of Civil Service entered on duties of the position (Sec. 5) at a  
1 9 3 9      salary of \$6,000. He immediately began preparation of the rules by  
              which conduct of the Department is to be guided (Sec. 5-2-b).

Sept.      Civil Service Department staff assembled (Sec. 5-2-c) and began checking  
              and certifying validity of state payrolls. There are at present 34 regu-  
              lar full-time employees in the Department, including the Director. The  
to      other 33 must also take open competitive examinations when such are given.  
              (Sec. 5-2-c) The staff members and their duties are as follows:

Nov.      a) The Director - supervises and controls all activities  
1 9 3 9      b) The Examining Division (7)  
              The principal personnel technician, the chief examiner and staff,  
              whose duties are to prepare and conduct all examinations, both quali-  
              fying and open competitive; to prepare (on basis of open competitive  
              examinations) lists of persons eligible for all classes of state posi-  
              tions; to prepare a system of service ratings; to prepare and conduct  
              all in-service training courses designed to increase the efficiency  
              and capacity of state departments of government. (Pending establish-  
              ment of eligible lists on basis of open competitive examinations,  
              appointing officers may appoint employees on any basis used formerly,  
              but such employees are subject to open competitive examinations to be  
              held later.)  
              c) The Classification and Compensation Division (5)  
              Anything that happens to a state employee goes through this divi-  
              sion - changes in his classification by reason of promotion, demotion,  
              or transfer; sick or other leave; dismissal, etc.  
              d) The Roster Section (4)  
              which keeps card records of every state employee; checks pay rolls  
              before being approved to prevent overpayment and payroll padding.  
              e) The Certification Section (2)  
              which keeps records of lists of eligibles, re-employment registers,  
              and seniority data. Upon receiving notice of a vacancy to be filled,  
              they send the proper number of names of eligibles to the department  
              head needing an employee, and record any appointment made.  
              f) The Office Manager (1)  
              g) The Stenographic Pool (8)  
              Stenographers available for any department member needed stenog-  
              raphic service. No private secretaries.  
              h) The Filing Section (2)  
              which files all examinations that have been conducted and graded;  
              all correspondence.  
              i) The Vault and Machine Room Employees (4)  
              who keep all supplies, and print all examinations and forms used  
              by the Department.

Oct. 1      Classification and compensation study contract awarded Public Administra-  
1 9 3 9      tion Service, said contract approved by Commissioner of Administration  
              and Finance and Auditor. (Sec. 12-1 and Sec. 9-1-k) The Public Adminis-  
              tration Service of Chicago is a non-profit corporation which supplies

technical consultive assistance to all kinds of governmental agencies. It makes administrative surveys, reorganizations, installations of improved systems and procedures, and, occasionally, administers governmental operations.

- Oct. 22  
1939 Certification after probation for employees granted status without examination under provisions of the Civil Service Act. 3933 employees were certified as satisfactory and granted permanent civil service status; 14 were not so certified and under provisions of the Act were removed from the state service. These employees included all persons employed in the classified service on the effective date of the act, April 22, 1939, for a total of five years or more. In addition there were 77 employees of the Minnesota State Employment Service who had taken and passed a civil service examination conducted by the United States Employment Service. This date marked the end of the six-month probationary period to which this group was subject.
- Dec. 13,  
1939 First hearing on proposed civil service rules (Sec. 6-a). Hearing adjourned to January 3, 1940, to permit further study of proposed rules and submission of additional suggestions for revision.
- Dec. 16,  
1939 First competitive examination. (Sec. 13) The competitive written examination for the position of Highway Patrolman (Sec. 9-l-p) was given to 945 candidates. On January 22 and 23, 1940, the highest ranking 57 candidates were given oral and medical examination. The eligible list was made up February 10, 1940.
- Jan. 3  
1940 Second and final hearing on proposed rules. The Board then undertook consideration and analysis of all testimony and evidence.
- Mar. 15  
1940 Department moved to permanent quarters - Room 122, State Office Building. Prior to this date the department occupied scattered rooms and corridors in the State Capitol.
- April 5  
1940 Hearing on the classification plan.
- Positions in the state classified service were grouped under nine headings: Agriculture and Conservation, Clerical and Administrative, Construction and Trades, Custodial and Maintenance, Education, Engineering, Health, Legal and Law Enforcement, and Welfare. Approximately 636 different classes of positions were described in the specifications of the classification plan. A few examples: Aquatic Biologist I & II, Accountant I thru V, Engineering Aid I thru III, Attorney I thru V, Janitor I & II, Child Welfare Worker I thru III, etc.
- April 10  
1940 Civil Service rules and classification plan adopted.
- Shortly after this date between 10,000 and 11,000 notices of position allocations were mailed to state employees. Thirty days were allowed for the submission of appeals. At the end of the appeal period, 1 800 appeals had been entered to be submitted to the Board for consideration. Such changes in title do not involve any changes in work the employee does, but may involve changes in pay to correspond with the rate paid that class of work.
- April 13  
1940 Approximately 3 700 qualifying examinations administered in 43 centers throughout the state. Because of unusual provisions in the Civil Service Act, this required preparation of approximately 1 200 distinctly different examinations.

Notices of the results of the qualifying examinations to be sent to employees as soon as the results are complete. Persons with satisfactory ratings will immediately begin the six months' probationary period necessary before permanent civil service status can be obtained.

- May 11 759 qualifying examinations administered in 42 centers throughout the  
1940 state. This involved preparation of approximately 250 distinctly different examinations. All qualifying examinations have now been given.
- May 13, Compensation Plan proposed (Sec. 12-2 and Sec. 6)  
1940
- The compensation plan was based on a survey covering present salaries of state employees, employees in private industry, in other states, cities, etc. A minimum and maximum wage was set for each position in the classified service. Statistical material showing the effect of the compensation plan on the state budget for departments and institutions indicates that, if adopted, the plan will result in immediate savings in personal services costs as well as equalizing salaries so that persons will receive payment in accordance with the work they do and the salaries received by other state employees doing the same kind of work.
- May 27 Hearing held on compensation plan. The Board immediately took under con-  
1940 sideration the scores of suggestions offered at the hearing.
- June 9 Compensation plan revised and ready for final consideration by the Board.  
1940 It is estimated that savings from normal turnover of death, resignation, and dismissal will conservatively average \$125,000 saving annually, because new appointees enter at minimum salary for their class of work, not at salary paid former employee.
- June 11 Appointment of top ranking candidates from examination for Highway Patrol  
1940 Officer after training course held by Bureau of Criminal Apprehension and pronounced an excellent group by the Highway Department.
- June 25, Announcement of qualifying examination results. Successful employees be-  
1940 gin probationary period of six months. Of total of over 4,000 taking them, 180 failed. Those eligible for qualifying examinations could not be "fired" until given opportunity to take examination. (Sec. 10-4)
- August Open competitive examinations to be announced as first step towards re-  
1940 placement of 500 provisional appointees in 200 classes of positions with employees obtained through examination. This group comprises persons put on the state pay roll after August 1, 1939 (Sec. 11).
- These examinations will be given at the rate of four or more a week for the next eighteen months to retire the backlog of provisional appointments and service the normal state turnover. This will require the examination of more than 40,000 persons at centers throughout the state. All publicity media and other facilities will be utilized to encourage competition by every interested Minnesota citizen.
- Sept. Set as the deadline for complete coordination of personnel records and  
1940 procedures for the state. These will include setting up a complete and accurate roster of employees, checking all payrolls for conformance to law and approving all internal personnel transactions such as transfers, promotions, demotions, salary adjustments, layoffs, and so on.



Oct. Promotional examination program to be undertaken to allow extension of  
1940 career system to all state agencies. Under such a system, promotion is  
gained on the sole qualification of merit. (Sec. 19)

Nov. Set as the deadline for the installation of a service-wide system of  
1940 service ratings to be utilized in determining fitness for promotion,  
eligibility for salary increases and as a guide in necessary reduc-  
tions in personnel.

Dec. Report to be issued on state employment with a statistical analysis of  
1940 the state service, its personnel and the steps to be taken to make it  
more efficient.

Assistance of the Civil Service Department available, upon request, to  
local units of government in modernizing personnel systems and install-  
ing merit procedures.

Assistance offered in departmental reorganization programs in personnel  
and management aspects.

Program of in-service training to be undertaken upon request of depart-  
ments including the Highway Department and several institutions. Plans  
formalized for extension of training to all interested groups.

# MINNESOTA CIVIL SERVICE COUNCIL

*Representing state-wide organizations committed to the principle of the merit system in government*

MAILING ADDRESS:  
914 MARQUETTE AVENUE, ROOM 224  
MINNEAPOLIS, MINNESOTA

*Sent to all Legislators prior to  
the 1941 Session*

October 14th,  
1940

Dear Sir:

Four years ago several state-wide organizations, recognizing the need for greater efficiency, stability and certainty in state governmental service, formed the Minnesota Civil Service Council. This Council, as you undoubtedly know, is composed of representatives of the eleven organizations listed below.

This Council was instrumental in developing the preliminary draft of a civil service bill which was introduced in the Legislature during the last session. This bill served as a basis from which the present civil service law was developed. Although the present law has been in operation but a short time, it is already demonstrating the objectives sought by the Civil Service Council, namely; to establish the merit system in the recruiting and retention of government employees, thereby providing a basis for a career service in state departments.

The transition from the old to the new plan, involving, as is inevitable, some disputes and compromises, has in the observation of the Council proceeded rapidly and soundly. As we near the end of the transition period, civil service will be continuously strengthened and the benefits will become more apparent. In connection with such transition difficulties as have occurred, as well as with future administration, the Council continues to emphasize that the Act to be most successful needs to have the utmost cooperation on the part of all state officers and employees.

We feel that it is most essential that the members of the 1941 legislature be determined not to emasculate the civil service system, which was so well begun in the 1939 session, and be prepared to vote for adequate financial support for the Civil Service Department.

The Civil Service Council earnestly solicits your support to this end and urges your cooperation in bringing about in your community a more thorough understanding of the functions and objectives of this program.

Respectfully yours,

MINNESOTA CIVIL SERVICE COUNCIL

## Organizations represented:

American Legion, Department of Minnesota  
American Legion Auxiliary, Department of Minnesota  
Minnesota Education Association  
Minnesota Federation of Bus. and Prof. Women's Clubs  
Minnesota Farm Bureau Federation  
Minnesota Junior Chamber of Commerce  
Minnesota League of Women Voters,  
Minnesota Parent-Teacher Association  
Minnesota State Conference of Social Work  
Minnesota State Federation of Labor  
Minnesota State Federation of Teachers

Chairman

*Minnesota Federation of  
Women Club*

November 2, 1940

Mrs. A. W. Bauman  
Fairfax, Minnesota

My dear Mrs. Bauman:

Since you desire to have a prompt answer to your letter, and Miss Mitchell is not in the office this morning, I will try to help you and give you what information we have on the points you wish cleared up.

No, the "200,000 federal jobs" does not include the postmasters. It includes employees of those agencies which were exempt from civil service by statute: Home Owners' Loan Corporation, Federal Housing Administration, U. S. Housing Authority, Reconstruction Finance Corporation, Farm Security Administration, Bituminous Coal Commission, the Board of Governors of the Federal Reserve System, Agricultural Adjustment Administration, the Federal Home Loan Bank Board, the Tennessee Valley Authority, and the U. S. Employment Service.

In 1938, the Seventy-Fifth Congress passed the Ramspeck Postmasters Bill, which gives to the Civil Service Commission sole authority to conduct examinations and to establish the list of eligibles from which postmasters will be selected. It provides that acting postmasters cannot remain in office for more than six months without the consent of the Civil Service Commission and eliminates the four-year term of office for these postmasters. The bill requires incumbents to be subjected to a new test of fitness before they can retain their positions. The League of Women Voters worked for this measure and supported it in 1938, at the time of passage, to extend the civil service system to include postmasters of the first, second, and third class.

I hope that this will help you somewhat, and will reach you in time to be of some use for your Monday meeting.

Sincerely yours,

Jean Struthers  
Assistant Secretary.



(1941)  
FILE COPY

*Senate File 611*

The attention of interested persons should be directed toward the effect of Senate File 611 and its companion bill, House File 1223. Although the apparent purpose of these bills is only to require the legislature to take specific action on the classification and compensation plans adopted by the Civil Service Board and to prevent reduction in the compensation of certain employees, their real effect goes far deeper into the operation of the civil service law.

As a matter of fact, indefinite postponement of classification and compensation to a large extent makes inoperative the other provisions of the civil service law. Proper and careful classification of positions provides the basis for practically all other personnel activities. For example, to conduct an open competitive examination program without a classification plan in operation would be a prohibitively expensive procedure. Similarly, without official salary schedules in effect, it would be impossible, in announcing examinations, to inform Minnesota citizens what the state was prepared to pay for the various kinds of work for which examinations would be given. It is certainly a matter of question how many qualified persons would seek employment with the state under such conditions. Further, there could be no attainment of the merit system principle of equal pay for equal work without the framework of the classification plan in which positions might be equated.

A severe blow to the merit principle would be the effect of Section 39 of Senate File 1026, the appropriations bill which "freezes" salaries of June 30, 1941 for two years. In addition there would be the complete loss of the savings to be realized through operation of the civil service rule which requires that eligibles who replace employees who leave the state service shall enter at the minimum rate set forth in the salary schedules. Under this rule a clerk who is receiving \$100 per month who leaves the service is replaced by a clerk who starts at \$80 per month establishing a saving of \$20 per month. It is believed that "freezing" state employees salaries, as Section 39 apparently provides,

would prevent these savings.

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Joseph

AMENDMENT TO HOUSE FILE 789

1941

Amendment to Section 5 (2) b-

In order to continue to obtain federal funds for the activities of certain state departments, particularly the divisions of Employment and Security and Social Welfare of the department of Social Security and the department of Health, the responsible federal agencies have indicated that certain rules relating to qualifications of new employees and employment conditions of employees paid in whole or in part out of federal funds will be required. It is not anticipated that any such rules will not affect adversely the employment of present employees with civil service status.

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AMENDMENT TO HOUSE FILE 789

Amendment to 9 (1) b

The first amendment to this subdivision will place in the unclassified service all positions, the incumbents of which have been statutorily appointed for a fixed number of years. This will include very few positions.

The second amendment to this subdivision will place in the classified service the 5 division heads of the Department of Labor and Industry, the head of the Vocational Rehabilitation division of the Department of Education and the head of the division of Hotel Inspection in the Department of Health. The above named divisions are specifically created by law and the original civil service act placed heads of divisions specifically established by law in the unclassified service. A technicality in the wording of previously enacted laws resulted in placing these ministerial, non-policy making positions in the unclassified service.

Amendment to 9 (1) c

This subdivision is being amended to place the secretary to each elective commission in the unclassified service. The Railroad and Warehouse Commission is the only elective commission in the state.

Amendment to 9 (1) d

All seasonal help employed by the registrar and deputy registrars of motor vehicles is placed in the unclassified service. This affects some 50 to 75 persons employed from 2 to 6 weeks per year during the

AMENDMENT TO HOUSE FILE 789

automobile registration rush. It is believed unwise to attempt to establish eligible lists for employment for such short periods of time.

Amendment to 9 (1) o

Subdivision stricken and subject matter clarified in a new section-  
9 (5).

It has been generally agreed that the provisions of the Minnesota State Civil Service Act relating to the employment, lay off and re-employment of employees, when applied to seasonal, part time, and intermittent laboring positions, will result in some administrative difficulties. This is because, under the law at present,

- 1) lay off and re-employment of employees is based solely on seniority;
- 2) to fill vacancies, only three names may be certified from open competitive registers and only one name from re-employment or reinstatement registers.

Laboring positions present special problems in their geographic distribution and in their widely varying work loads. This has been recognized in the civil service laws of several states and large cities and counties. Special rules have been written for these positions by many civil service departments and even where legislation or rules are not found on this subject, procedures have been varied in recognition of the employment problems encountered in a labor service.

While these problems have not yet arisen in Minnesota, to forestall difficulties and to assure that the operation of civil service will not hamper vital and fundamental operations of departments employing laborers, an amendment to the State Civil Service Law has been proposed. This amendment would allow the following changes relating to laboring positions.

- 1) Certification of entire register of eligibles to the appointing authority. This would allow immediate appointment of qualified persons without lengthy communication with eligibles concerning their availability.
- 2) Lay-off and re-employment based on the needs of the service and the competency of the workers, rather than solely upon the basis of seniority. This flexibility is considered necessary by the operating departments concerned. As a further aid to the departments, temporary promotions and demotions within the labor service would be allowed as the work program requires.
- 3) Control of sick leave and vacation and hours of employment by the appointing authority, variations from existing standards subject to approval of the Civil Service Board. This provision would enable the formulation and application of rules on these subjects which would be specifically applicable to laboring positions.
- 4) Non-civil service appointments of ninety or fewer days, without regard to eligible lists, could be made by appointing authorities. The nature of labor service employment and its dependence on weather conditions, supply delivery and related factors makes necessary such a provision in order to continue to handle many situations exactly as they have been in the past. Under appropriate circumstances and with proper approval, appointments could be made for a longer period than ninety days.
- 5) Simplified methods of reporting personnel transactions so that a minimum of time and effort would be expended on the paper work of reporting such actions.

It is believed that the amendment allows the maximum flexibility for positions in the labor service consistent with the principle of civil service in government employment.



AMENDMENT TO HOUSE FILE 789

Amendment to 9 (2) necessitates the renumbering of Sections 9 (3) and 9 (4).

Amendment to 9 (5)

Creates a new subsection and makes provision that persons past or presently employed by the University of Minnesota are in no manner within the scope of the Civil Service Act and receive no civil service status by virtue of their past employment by the University.

AMENDMENT TO HOUSE FILE 789

Amendments to Section 10

- 10 (1) - Provision is made to allow certain employees of the liquidation division of the Banking department to obtain civil service status. A specific provision to this effect is necessary because the manner of payment and employment of these employees put them outside the scope of the original act, although it is apparently believed that there was no intention to bar them from civil service status.
- 10 (6) - This a clarifying amendment to allow determination of the civil service status of employees whose positions, formerly in the unclassified service, have been brought into the classified service. Some of the employees thus affected have been in the state service for many years and it is to grant them some civil service status that this amendment is proposed.
- 10 (7) - In order to conserve to the state the training which has been expended on provisional employees of the several departments, it is proposed to allow these persons to obtain civil service status through qualifying examinations rather than through open competitive examinations. This provision, which has the support of many department heads, will lighten the examining burden of the Civil Service department. Because it is intended to alleviate a situation which should not occur in the future, a definite time limit is set after which it will not be operative. This measure will promote economy by retaining the services of deserving employees and, as written, will not extend this liberalizing procedure beyond a reasonable period.

AMENDMENT TO HOUSE FILE 789

Amendment to Section 14 (1)

Provides that the director, with the approval of the board, may revoke the civil service status of an employee who is found to lack any of the examination requirements; is physically disabled; is a habit-forming drug addict; uses liquors to excess; is guilty of a moral turpitude or disgraceful conduct crime; has been dismissed from public service for delinquency or misconduct; has made a false statement of material fact; or who has practiced deception or fraud in connection with application, examination or appointment, or who refuses to furnish testimony as required in section 7. It has been pointed out that under the present law it is possible for the director to refuse to certify an eligible under these circumstances but that after appointment, separation from the state service may only be initiated by the department head even though it is found that the employee has performed any of the acts of omission or commission mentioned above.

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AMENDMENT TO HOUSE FILE 789

Amendment to Sec. 21

Provides that employees may be dismissed or demoted with or without cause during the 6 months' probationary period. Also confirms all dismissals and demotions previously made during the probationary period. This is to clarify and to express again the intent of the legislature in passing the civil service act two years ago.

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AMENDMENT TO HOUSE FILE 789

Amendments to Section 22

22 (2) - This is a clarifying amendment which would allow the extension for more than one year of leaves of absence for military purposes or to accept positions in the unclassified service. The provision is required to give meaning to the revised section 22 (3) and to protect the status of employees called for military service.

22 (3) - This provision would make possible appointment of employees with civil service status to positions in the unclassified service without loss of status. The leaves provided for in this section would enable the legislature to utilize the services of present state employees who have worked for the House and Senate. Top ranking employees of various departments would, if this section were enacted into law, be able to accept positions as department heads without sacrificing their civil service status.

Allowance of leaves for these purposes would conserve to the state the experience and training of employees with long years of service who accept unclassified appointments and would make such appointments more attractive to qualified civil service employees.

Amendment to 23 (4)

This amendment provides that persons laid off from positions in the classified service shall have their names placed on a state-wide reemployment register as well as on a departmental reemployment register. When vacancies are to be filled in departments other than the one from which the persons were laid off, three persons based on priority of lay-off shall be certified to the vacancy. Employees so certified and appointed shall serve a 2-month work trial period during which time at the option of the appointing authority the employees may be separated and their names be again placed on the state-wide reemployment register. If the employee is separated and returned to the state-wide register three times, his name shall be permanently removed from the state-wide reemployment register.

This amendment in no way affects an employee's present rights on the reemployment register for the department from which he was laid off where he has reemployment preference on the basis of his seniority in that department.



AMENDMENT TO HOUSE FILE 789

Amendment to Section 26 (1)

This provision would release the director of civil service from the responsibility for auditing and certifying payrolls for certain groups of employees in the unclassified service. The groups mentioned here are those upon which no employment records have been compiled, in many cases because no data for such records is available. The amendment would allow a thorough job of payroll auditing in cases where it can and should be done and would realistically solve the problem of auditing payrolls for employees for whom no payroll is submitted, who are inmates or patients in institutions or who otherwise work under conditions which make it impracticable to certify their payrolls. Among these groups which are thus included are: employees of the University, the state militia and employees of the legislature.

## STATE OF MINNESOTA

FIFTY-SECOND  
SESSION }

H. F.

No. 789

Introduced by Mr. Powers, for Committee on Public Highways.

February 21, 1941.

Laid Over One Day.

Matter in italics is new; matter in capitals when in ( ) is old law to be omitted.

## A BILL

For an Act Relating to the State Civil Service, the Adoption of Rules, Divisions of Service, and Creating a Labor Service and the Procedure Thereunder, Further Defining State Employment Granting Status in Certain Cases, Providing For the Extension of Qualifying Examinations to Certain Persons, Extending Veteran's Preference to Provisional Employment, Providing For Revocation of Status in Certain Cases, Dismissal and Demotion During Probationary Period, Leaves of Absence For Certain Purposes, Creation of a State Wide Reemployment Register and The Use Thereof and Payroll Certification, Amending Laws of 1939, Chapter 441, Sections 5, 9, 10, 11, 14, 21, 22, 23, and 26.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Laws 1939, Chapter 441, Section 5, is hereby amended to read as follows:

2 "Section 5. Director to be administrative and executive head.

3 (1) The director of the state civil service shall be the executive and administrative head of the state de-  
4 partment of civil service and shall supervise and control all examinations and the department. He shall act as  
5 the board's advisor on all matters pertaining to the civil service of this state.

6 (2) It shall be the duty of the director and he shall have power:

7 a. to attend all meetings of the board;

8 b. to prepare and recommend to the board rules and regulations for the purpose of carrying out the pro-  
9 visions of this act. Such rules shall provide, among other things, for current records of efficiency, and stand-  
10 ards of performance for all officers and employees subject to the provisions of this act; the manner of complet-  
11 ing appointments and promotions; rejection of eligible candidates; competitive examinations; creation of  
12 eligible lists with successful candidates ranked according to their rating in the examinations; leaves of absence  
13 with and without pay; transfers, reinstatements, layoffs, vacations and hours of work; public notice of ex-  
14 aminations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions  
15 of employment; *special rules and regulations for matters requiring conformance to federal law or regulations;*

16 c. to appoint temporary and permanent examiners, including a chief examiner, clerks, stenographers, and  
17 such other employees and officers as are necessary to carry out the provisions of this act. Such employees and



18 officers shall be chosen in accordance with and shall be subject to the provisions of this act;

19 d. to keep in the office of the department of civil service an official roster of the state civil service showing  
20 the employment history of each and every person who has been appointed to, employed, promoted, reduced or  
21 reinstated in any position in such service. This roster shall show in connection with each name the date of ap-  
22 pointment, employment, promotion, reduction, reinstatement, increases or decreases in pay, the compensation  
23 and title of the position, changes in title, transfers, sick or annual leaves, and separations from the service.  
24 The director shall have access to all public records and papers, the examination of which will aid in the dis-  
25 charge of his duty in connection with said roster;

26 e. to prepare, in accordance with the provisions of this act and the rules adopted thereunder, examina-  
27 tions, eligible lists, and ratings of candidates for appointment;

28 f. to make certifications for appointment within the classified service, in accordance with the provisions of  
29 this act;

30 g. to make investigations concerning all matters touching the enforcement and effect of the provisions of  
31 this act and the rules and regulations prescribed thereunder;

32 h. to make a report and submit the same to the civil service board not later than October first of each  
33 year;

34 i. to discharge such other duties as are imposed upon him by this act."

SEC. 2. Laws 1939, Chapter 441, Section 9, is hereby amended to read as follows:

2 "Section 9. The civil service of the state of Minnesota is hereby divided into the unclassified and the  
3 classified services.

4 (1) The unclassified service comprises positions held by state officers or employees who are:

5 a. chosen by election or appointed to fill an elective office;

6 b. heads of departments required by law to be appointed by the governor or other elective officers and  
7 the executive or administrative heads of departments, divisions and institutions specifically established by law  
8 or having a fixed term except that with respect to state institutions, the provisions of Mason's Minnesota Stat-  
9 utes of 1927, Section 4405, are hereby continued in effect; provided, this subsection shall not apply to heads  
10 of divisions now existing in the department of labor and industry, nor to the director of the division of voca-  
11 tional rehabilitation in the department of education; nor to the director of the division of hotel inspection in  
12 the department of health;

13 c. except as herein otherwise enlarged, one (PRIVATE) secretary to each of the elective commissions and  
14 officers of this state, and in addition thereto, one deputy, clerk or employee to the secretary of state, state  
15 auditor and state treasurer;

16 d. all deputy registrars of motor vehicles(.) and seasonal help employed by the registrar and his deputies  
17 to assist in the issuance of motor vehicle licenses;

18 e. one executive secretary and five other confidential employees in the office of the governor, and one con-  
19 fidential employee for the governor in the office of the adjutant general;

20 f. officers and employees of the senate and house of representative of the legislature;

21 g. teachers, research assistants, student employees on less than half-time pay basis, presidents, deans, and  
22 administrative officers in the teachers' colleges; but this subdivision shall not be construed to include the  
23 custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing

24 duties in connection with the business administration of such institutions;

25 h. officers and enlisted men in the national guard and the naval militia;

26 i. election officers;

27 j. persons engaged in public work for the state but employed by contractors when the performance of such  
28 contract is authorized by the legislature or other competent authority;

29 k. persons temporarily employed or designated by the legislature or by a legislative committee or com-  
30 mission or other competent authority to make or conduct a special inquiry, investigation, examination or in-  
31 stallation;

32 l. deputy attorneys general, assistant attorneys general, legal assistants, examiners, three confidential em-  
33 ployees, and special counsel to state departments appointed by the attorney general or employed with his  
34 authorization;

35 m. all courts and all employees thereof, referees, receivers, jurors and notaries public, except referees and  
36 adjusters employed by the industrial commission;

37 n. patient and inmate help in state charitable, penal and correctional institutions;

38 (C. REGENTS OF THE UNIVERSITY OF MINNESOTA AND THE EMPLOYEES AND PERSONS  
39 UNDER THE JURISDICTION OF THE REGENTS OF THE UNIVERSITY OF MINNESOTA;)

40 (P.) o. state highway patrolmen now operating under the provisions of the 1938 Supplement to Mason's  
41 Minnesota Statutes of 1927, sections 2554 $\frac{1}{2}$ , 2554 $\frac{1}{2}$ a, 2554 $\frac{1}{2}$ b, 2554 $\frac{1}{2}$ c, 2554 $\frac{1}{2}$ d and 2554 $\frac{1}{2}$ e; providing, how-  
42 ever, that with respect to the method of selection and appointment only, all state highway patrolmen who  
43 shall be appointed subsequent to the effective date of this act shall be selected and appointed in accordance  
44 with the provisions hereof relating to the classified service, but in all other respects the provisions of this act  
45 shall not apply to state highway patrolmen.

46 (2) All positions involving unskilled labor shall constitute a labor service. The civil service board shall  
47 designate the class or classes of positions which shall comprise the labor service and shall create rules for that  
48 service designed to expedite and make more economical the personnel processes in such service. Such rules shall  
49 provide, among other things, for: (a) certification of the entire list of eligibles to appointing authorities from  
50 which selection and appointment to positions in the labor service may be made without limitation; (b) layoff  
51 and reemployment of employees within the discretion of the appointing authority without recourse and without  
52 regard to factors considered in similar transactions in classified positions in other than the labor service; (c)  
53 simplified and expedient procedures of effecting and reporting personnel transactions concerning employees in  
54 the labor service; (d) temporary demotion and promotion of employees in the labor service as the needs of the  
55 service may require; (e) control, in the labor service, of leaves of absence with and without pay, sick leave and  
56 hours of employment by the appointing authority; provided that any proposed deviation from the rules on  
57 these subjects governing the classified service other than the labor service shall be subject to the approval of  
58 the civil service board; (f) appointments, under project or other unusual employment circumstances, to po-  
59 sitions in the labor service, without regard to existing reinstatement, reemployment, and original entrance lists,  
60 for such periods of time as the needs of the service may require as approved by the civil service board. Any  
61 such appointments which shall be for a total period of 90 or fewer work days in any calendar year may be made  
62 by the appointing authority not subject to other approval, providing payroll notice of such employment is  
63 regularly made to the department of civil service.



64 ([2]) (3) The classified service, including the labor service, comprises all positions now existing or  
 65 hereafter created and not included in the unclassified service. Appointments in the classified service shall be  
 66 made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as  
 67 practicable shall be competitive. No person shall be appointed, transferred, promoted, reduced or discharged as  
 68 an officer, clerk, employee, or laborer in the classified service in any manner or by any means other than those  
 69 prescribed in this act and the rules adopted in accordance therewith.

70 ([3]) (4) Officers authorized by law to make appointments to positions in the unclassified service, and  
 71 appointing officers of departments or institutions whose employees are exempt from the provisions of this act  
 72 because of the constitutional status of such departments or institutions shall be permitted to make ap-  
 73 pointments from appropriate registers of eligibles maintained by the department of civil service.

74 (5) *The state civil service act shall not be deemed to have been heretofore or hereafter applied to the re-*  
 75 *gents of the University of Minnesota, nor to persons, institutions, or employees under their control."*

SEC. 3. Laws 1939, Chapter 441, Section 10, is hereby amended to read as follows:

2 "Section 10. (1) All persons holding offices or employments in the classified service on the effective date  
 3 of this act who have been employed by the state, which employment need not be continuous, for a total of five  
 4 years or more prior to the effective date of this act; and persons holding offices or employments in the Minne-  
 5 sota State Employment Service (a division of the Industrial Commission, not however including the employees  
 6 of the Unemployment Compensation division) who have taken and passed a civil service examination conducted  
 7 by the United States Employment Service, and who are employed by the state on the effective date of this act,  
 8 shall automatically receive a civil service status without examination and shall be subject to and protected by  
 9 the provisions of this act, but shall first be subject to the following: (a) the general classification directed to  
 10 be made by section 12 of this act; and, (b) the six months' probationary period provided by section 21 of this  
 11 act. The probationary period in the case of persons holding offices or employments covered by this section  
 12 shall begin to run on the effective date of this act. The words "employed by the state" as used in this subsec-  
 13 tion shall include persons employed by joint federal and state agencies administering state and federal relief  
 14 funds(.); and persons employed by the commissioner of banks in the liquidation of closed banks under the pro-  
 15 visions of Mason's Supplement 1940, Section 7689, with the exception of deputy bank examiners, the supervisor  
 16 and the special attorney.

17 (2) Except as in this act otherwise specifically provided, all persons holding offices or employments in the  
 18 classified service on August 1, 1939, exclusive of those persons covered by subsection (1) hereof, shall be given a  
 19 qualifying examination as hereinafter provided. The director of civil service, subject to the rules and regula-  
 20 tions of the board, shall within two years from and after August 1, 1939, prepare and give once to all such in-  
 21 cumbents of positions in the classified service a qualifying examination which shall be non-competitive, practi-  
 22 cal and involve only the duties of the position they occupied on August 1, 1939, or the position they occupy on  
 23 the date said examination is given, whichever examination the officer or employee may elect to take.

24 If such aforementioned incumbents are found by such qualifying examination to have such ability and ca-  
 25 pacity as will enable them to perform the duties of the position for which they were examined in a reasonably  
 26 efficient manner, they shall be given a civil service status subject to the provisions of section 21 hereof. If,  
 27 however, any of the aforementioned incumbents who are required by this act to take a qualifying examination  
 28 shall fail to pass the same, they shall be removed from their positions at the expiration of three months follow-

29 ing receipt of notice of failure to pass such examination. All persons who shall wilfully fail or refuse to take  
 30 the examination when offered, without reasonable excuse, shall be removed from their positions immediately.

31 (3) Except as in this act otherwise specifically provided, until August 1, 1939, all persons holding offices  
 32 or employments in the classified service, may be laid off, suspended, transferred, discharged, promoted, reduced,  
 33 or discharged and reinstated as temporary employees, at the will and pleasure of the authority employing them,  
 34 subject, however, to such laws as are not expressly repealed by this act.

35 Except as in this act otherwise specifically provided, no person holding office or employment in the classi-  
 36 fied service by reason of any merit examination heretofore held pursuant to any law of this state or the regu-  
 37 lations or order of any department thereof, shall be deemed to have acquired a civil service status by reason  
 38 thereof.

39 (4) No person holding an office or employment in the classified service on August 1, 1939, who is required  
 40 by this act to take a qualifying examination, shall be laid off, suspended, discharged or reduced in pay or posi-  
 41 tion, except in accordance with the provisions of this act applicable to members of the classified service hav-  
 42 ing a civil service status, until they have completed such qualifying examination and shall have been notified  
 43 of the result thereof, or unless they shall refuse to take such qualifying examination.

44 (5) In the event of necessary reductions in employment in any class or position, employees who have  
 45 not acquired a permanent classified civil service status shall be laid off in accordance with their seniority with-  
 46 in the department where they are employed.

46 1/4 (6) *Incumbents of positions placed in the classified service by amendments to the state civil service act shall*  
 46 1/2 *take such status as would have accrued to them had such amendments been originally contained in said act.*

47 (7) *The rights, privileges and obligations concerning qualifying examinations as defined in subsection*  
 48 *(2) of this section shall be extended to all persons holding offices or employment in the classified service on*  
 49 *June 1, 1941 who have been continuously employed by the state for six months or more prior to said date and*  
 50 *who do not have a probationary or non-probationary civil service status, and who are not subject to qualifying*  
 51 *examinations under subsection (2) of this section. The additional qualifying examinations prescribed by this*  
 52 *section shall be administered before January 1, 1942, and the probationary period shall be applicable to such*  
 53 *persons from the date they are certified as having passed the qualifying examination."*

SEC. 4. Laws 1939, Chapter 441, Section 11, is hereby amended to read as follows:

2 "Section 11. After August 1, 1939, and prior to the time that lists of eligibles are available, appoint-  
 3 ments to offices and employments in the classified service may be made in accordance with existing laws and  
 4 without regard to the provisions of this act(.), except that as to persons qualifying under Mason's Supple-  
 5 ment 1940, Section 4368 and any amendments thereof, appointments to offices and employments in the classi-  
 6 fied service shall be made in accordance with the provisions of Mason's Supplement 1940, Sections 4368, 4369,  
 7 4369-1 and 4369-2. Persons so appointed shall not be entitled to any of the privileges set forth in this act,  
 8 but they shall be permitted to apply for and take any competitive examination for which they may be eligible.  
 9 Such employees may continue in such employment, notwithstanding any contrary provisions of this act, un-  
 10 til 60 days after the director shall have certified that lists of eligibles are available for such office or employ-  
 11 ment, whereupon the employment of such person shall automatically terminate and such office or employment  
 12 shall be filled from such lists of eligibles as provided in this act."

SEC. 5. Laws 1939, Chapter 441, Section 14, is hereby amended to read as follows:



"Section 14. (1) The director may refuse to examine an applicant, or after examination may refuse to certify an eligible, *and after certification and appointment the director may, with the approval of the board, revoke the civil service status of any employee* who is found to lack any of the preliminary requirements established for the examination for the position or employment for which he applies; or who is physically so disabled as to be rendered unfit for the proper performance of the duties of the position to which he seeks appointment; or who is addicted to habit-forming drugs or is an habitual user of intoxicating liquors to excess; or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact; or who directly or indirectly shall give render or pay, or promise to give render or pay, any money, service, or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, or proposed appointment; or who practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment; or who refuses to furnish testimony as required in section 7.

(2) Whenever the director refuses to examine an applicant, or after an examination refuses to certify an eligible, as provided in this section, then the director, upon request of the person so rejected, shall furnish to him a statement of the reasons for such refusal to examine or refusal to certify, as the case may be. In the case of any such refusal an appeal may be taken to the board in accordance with the rules to be adopted in the manner hereinbefore provided.

(3) When any position requires the appointee to furnish a bond, such requirements shall be included in the announcement of the examination for said position."

SEC. 6. Laws 1939, Chapter 441, Section 21, is hereby amended to read as follows:

"Section 21. Except as in this act otherwise provided, all original appointments to and promotions within  $2\frac{1}{2}$  the classified service, and offices or employments within the classified service held by persons who become members of the classified service without examination pursuant to section 10 of this act or by qualifying examination pursuant to section 10 of this act, shall be for a probationary period of six months, but dismissals or demotions may be made at any time during such period, *with or without cause*, subject to the provisions of section 19, subsection (3)(.), *and all such dismissals or demotions heretofore made are hereby ratified, confirmed and approved*. At the end of the probationary period the appointing officer shall notify the director in writing whether the probationer is a satisfactory employee and should receive the status of a permanent appointee. Upon such notice the employee, if his service during the probationary period did not fall below such minimum standards as have been prescribed by the director of the civil service, shall be deemed to have a permanent classified civil service status; otherwise the employee is automatically separated from the service except as provided in section 19, subsection (3)."

SEC. 7. Laws 1939, Chapter 441, Section 22, is hereby amended to read as follows:

"Section 22. (1) Transfers in the classified service may be made from a position in one grade and class to a position in another grade and class when the duties and compensation are similar and when such action is specifically approved by the director of the civil service.

(2) Any person holding a permanent position in the classified service of this state may be granted a leave of absence on the grounds of sickness, disability or other good and sufficient reason; provided, however, that no leave *except military leave and leave to accept an appointive position in the state unclassified service*

shall exceed one year, except as provided in subsection (4) of this section.

(3) (NO 1) Leave of absence (MAY) shall be granted to an officer or employee holding a (PERMANENT) position in the classified service to enable such person to take an appointive position in the state unclassified service. *Persons having accepted or accepting appointive positions in the unclassified service shall upon the termination thereof be restored to the status and position which they last held in the classified service at any time within one year after the termination of their appointment in the unclassified service upon application therefor to the director of civil service.*

(4) Any person who has held a position by permanent appointment in the classified service under the civil service law and rules and who has been separated from the service without any delinquency or misconduct on his part or who has been granted a leave of absence under subsection (2) of this section, may be reinstated within one year from the date of such separation or within one year from the expiration of an approved leave of absence, to a position in the same or similar grade or class in the classified service, but such action shall be subject to the approval of the director of civil service."

SEC. 8. Laws 1939, Chapter 441, Section 23, is hereby amended to read as follows:

"Section 23. (1) Whenever one or more employees in the classified service are laid off because of a shortage of funds or curtailment of service or for any other reason beyond their control, the order of layoff shall be determined according to rules established by the board which shall be based on seniority within the department, and the names of such employees shall be placed at the head of the appropriate registers.

(2) In every case of layoff of a permanent officer or employee, the appointing authority shall at least 15 days before the effective date thereof give written notice to the employee and the director of civil service, and may certify to the director the reasons therefor. In any case where an appointing authority refuses to certify, or fails to certify before the effective date thereof, that the layoff was for reasons not reflecting discredit on the employee, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissals, as provided in this act.

$1\frac{1}{2}$  (3) Whenever positions in the classified service are abolished by statute or by administrative action, the names of the incumbents of such positions, if they are members of the classified service, shall be placed at the head of the appropriate register, according to seniority.

(4) Persons who have been separated from the classified service because of layoff or the abolition of positions shall be given preference over all other eligibles in filling vacancies in the same or similar positions within the department in which they were employed immediately prior to their separation from the service, and the director shall certify for each vacancy only the former officer or employee whose name stands first on the appropriate eligible register. *Such eligible registers shall also be utilized to fill vacancies in the same or similar classes of positions in departments other than that for which they were established, before, and in the same manner as, original entrance lists. The order of names on such registers, when utilized for state-wide certification, shall be based on priority of layoff. Employees who are certified and appointed from a state-wide reemployment register shall serve a work trial period of two months during which period such employees may not be dismissed except in accordance with the provisions of section 24 of this act, but they may, at the option of the appointing authority, be separated and their names returned to the appropriate state-wide reemployment register. The name of any employee which has been three times thus separated shall be permanently removed from the appropriate state-wide reemployment register. The work trial period herein provided shall not apply*

27 to certification and appointment from a departmental reemployment register."

SEC. 9. Laws 1939, Chapter 441, Section 26, is hereby amended to read as follows:

2 "Section 26. (1) Neither the state auditor nor other fiscal officer of this state shall draw, sign or issue, or  
3 authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the  
4 state, nor shall the treasurer or other disbursing office of the state pay any salary or compensation to any  
5 person in the classified or unclassified service of the state, unless an estimate payroll or account for such sal-  
6 ary or compensation containing the name of every person to be paid shall bear the certificate of the director  
7 of the civil service that the persons named in such estimate, payroll or account have been appointed, em-  
8 ployed, reinstated or promoted and are performing service as required by law and the rules established here-  
9 under and that the salary or compensation is within the salary or wage schedule fixed pursuant to law (.) ,  
10 provided that this provision shall not apply to positions defined in subdivisions (a), (d), (f), (h), (i), (j),  
11 (k), (m), (n), and (o), of subsection 1 of section 9 of this act, nor to 'teachers, research assistants, student  
12 employees on less than half time pay basis, presidents, deans, and administrative officers in the teachers'  
13 colleges'.

14 (2) Any sum wilfully paid contrary to the provisions of this section may be recovered from any officer  
15 or officers making such appointments in contravention of the provisions of law or of the rules made in pur-  
16 suance of law, or from any officer signing or countersigning or authorizing the signing or countersigning of  
17 any warrant for the payment of same, or from the sureties on the official bond of any said officers, in an  
18 action in the district court of any county within the state, maintained by the director of the civil service  
19 or any member of the civil service board. All moneys recovered in any action brought under this section  
20 when collected shall be paid into the state treasury.

21 (3) Any person employed or appointed contrary to the provisions of this act and the rules thereunder  
22 whose payroll or account is refused certification shall have action against such appointing officer employing  
23 or appointing or attempting to employ or appoint him for the amount due by reason of such employment or  
24 purported employment and the costs of such action. No appointing authority, during the time of his or  
25 their official service or thereafter shall be reimbursed by the state for any sum so paid or recovered in any  
26 such action."



## A BILL

FOR AN ACT, RELATING TO CIVIL SERVICE  
FOR THE STATE OF MINNESOTA AND AMENDING  
MINNESOTA STATUTES 1941 SECTIONS 43.18,  
43.21, LAWS 1943, CHAPTER 157, SECTION 1,  
AND MINNESOTA STATUTES 1941 SECTION 43.34.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1941, Section 43. 18, is hereby amended to read as follows:

Subdivision 1. Appointing officers shall give written notice to the civil service director of their intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service, and, within a reasonable time after the receipt of this notice, the director shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, singly in succession the names of all veterans and when the names of all veterans have been certified, the three names of non-veterans next following said veterans at the head thereof, except as provided in section 43.23.

Subd. 2. The appointing officer shall appoint the veteran whose name is certified except as provided in section 43.23.

Subd.-2- 3. After all veterans have been appointed, the ~~The~~ appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said non-veteran candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. The provisions of this section shall not apply when the office or employment is among those listed in section 43.20, for which competitive examinations are not required.

Subd. 3- 4. As soon as practicable after the passage of this chapter and after consultation with appointing authorities and other supervising officials, the director shall establish standards of performance for each class of position and maintain records of efficiency, character, and conduct by a system of service ratings based upon these standards. The board shall establish and enforce rules and regulations in respect to these service ratings and prescribe the extent to which these service ratings shall be considered in determining the advisability of transfers, the promotion of an employee to a higher class, the question of reduction or dismissal of any employee, increases and decreases in salary of an employee within the salary range established under this chapter, and in all other decisions relating to the status of employees. The board may further by rule prescribe the extent to which these ratings and the reports upon which they are based shall be open to inspection by the public and by the affected employees.

Sec. 2. Minnesota Statutes 1941, Section 43.21, is hereby amended to read as follows:

Except as in this chapter otherwise provided, all original appointments to and promotions within the classified service, and offices or employments within the classified service held by persons who become members of the classified service without examination pursuant to section 43.10, or by qualifying examination pursuant to section 43.10, shall be for a probationary period of six months, but dismissals or demotions may be made at any time during such period, subject to the provisions of section 43.19, subdivision 3. At the end of the probationary period the appointing officer shall notify the director, in writing, whether the probationer is a satisfactory employee and should receive the status of a permanent appointee. Upon such notice, the employee, if his service during the probationary period did not fall below such minimum standards as have been prescribed by the director of the civil service, shall be deemed to have a permanent classified civil service status; otherwise the

employee is automatically separated from the service, except as provided in section 43.19, subdivision 3; provided, however, that this section shall not apply to veterans.

Sec. 3. LAWS 1943, CHAPTER 157, SECTION 1, is hereby amended to read as follows:

43.30. In all examinations under this act a veteran's preference shall be given to soldiers, sailors, nurses, marines and members of Women's Auxiliary Army Corps honorably discharged from the army, navy, marine corps and Women's Auxiliary Army Corps of the United States, who had served in the Civil War, Spanish American War, Philippine Insurrection, China Relief Expedition, World War and the present war between the United States of America and its Allies, and Germany, Japan, Italy and their Allies; who are citizens of the United States and have been residents of the state of Minnesota five years immediately preceding their application or who enlisted from the State of Minnesota. And the veterans thus preferred shall not be disqualified from holding any position in the classified service on account of his age or by reason of any physical disability provided such age or physical disability does not render him incompetent to perform the duties of the position.

Recognizing that training and experience in the services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily discovered by examination, there shall be added to the examination rating of a disabled veteran a credit of ten points, and if such augmented rating gives to the disabled veteran a passing grade, and the disabled veteran is able to perform the duties of the position sought with reasonable efficiency, his name shall be placed at the head of the eligible list for the position.

There shall be added to the examination rating of all other veterans a credit of five points, and if this augmented rating gives to the veteran a passing grade and if the veteran is able to perform the duties of the position with reasonable efficiency, his name shall be placed on the list of eligibles, following all disabled veterans with and ahead of the names of other eligible persons. ~~The name of a veteran with this augmented rating shall be entered ahead of a non-veteran when their ratings are the same.~~

This preference is hereby extended to the widows of deceased veterans and to the spouse of a disabled veteran, who, because of the disability, is unable to qualify.

The fact that an applicant has claimed a veteran's preference shall not be made known to the examiners and the preference credit shall be added to the examination rating by the director and the records shall show the examination rating and the preference credit.

A disabled veteran is one who is rated as disabled by the United States veterans' administration, and which disability is existing at the time preference is claimed.

In the event of the rejection by the appointing officer of the person so preferred when certified for promotion or to fill a vacancy or a new position, the appointing officer shall forthwith file, in writing, with the director the reasons for the rejection and furnish to the rejected veteran a copy thereof.

Sec. 4. Minnesota Statutes 1941, Section 43.34, is hereby amended to read as follows:

~~The provisions of the 1938 Supplement to Mason's Minnesota Statutes of 1927, sections 4368, 4369, and 4369-1, are hereby superseded by section 43.30, insofar as sections 4368, 4369, and 4369-1 might be~~ 197.45, 197.46, 197.47, and 197.48 are made applicable to the state civil service as provided



in this chapter; ~~anything in the 1938 Supplement to Mason's Minnesota Statutes of 1927, section 4369.2, to the contrary notwithstanding~~; provided, that honorably discharged veterans of past wars and other persons enumerated in section 43.30 holding offices or employments within the classified service on the effective date of this chapter are hereby given a permanent classified civil service status as of the effective date of this chapter, and shall thereafter be subject to and protected by the provisions of this chapter, and shall not be subject to the probationary period provided for by section 43.21.

S.F. No. 600

Introduced  
and Read First Time - February 16, 1945

By Mr. O'Brien, Wahlstrand, Stiening

Ref. to Com. on Civil Administration

Never left committee

H.F. 615

Introduced by  
Memmer, Lee, Allen

Referred to Veterans Affairs

Referred to Civil Administration

Never left committee



C  
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## A BILL

FOR AN ACT RELATING TO VETERANS  
PREFERENCE IN PUBLIC EMPLOYMENT;  
AMENDING MINNESOTA STATUTES 1941,  
SECTIONS 197.45 and 197.46 AS  
AMENDED BY LAWS 1943, CHAPTER 230,  
SECTION 1, SUBDIVISION 2, AND SEC-  
TION 2, AND PROVIDING A PENALTY  
FOR VIOLATION OF THE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1941, Section 197.45 as amended by Laws 1943, Chapter 230, Section 1, is hereby amended to read as follows:

(4368) 197.45 Subd. 2. That in every public department and upon all public works in the State of Minnesota and the counties, cities, towns, villages, school districts and all other political subdivisions and agencies thereof, honorably discharged veterans shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age and disability does not render him incompetent to perform properly the duties of the position applied for and when such veteran shall apply for appointment or employment under this act, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, except where said veteran has already been qualified under civil service for the position applied for, make an investigation as to the qualifications of said veteran for such place or position, and if he is of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board of person shall appoint said veteran to such position or place of employment.

In any governmental agency having an established civil service or merit system, no inquiry shall be made of any applicant for examination before such examination as to whether or not he is a veteran, nor shall any distinction be made in giving the examination or grading the results thereof on account of the fact that the applicant may be a veteran; provided, that this shall not abridge any preference to which such veteran is entitled. ~~(THE VETERAN MUST CLAIM PREFERENCE UNDER THIS ACT WITHIN 16 DAYS FROM THE DATE OF MAILING NOTICE TO HIM BY REGISTERED MAIL THAT HE HAS PASSED)~~ All governmental agencies when notifying the applicant that he has passed, shall inform the applicant of the right of a veteran to preference. The proper civil service or merit system authority shall certify his appointment and the appointing authority shall appoint such veteran before any other person is certified or appointed to fill a position for which the veteran has passed the examination.

A refusal to allow the preference provided for in this and the next succeeding section to any such honorably discharged veteran, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged veteran to a right of action therefor in any court of competent jurisdiction for damages, and such officer and the persons responsible for such refusal if such refusal was willful shall be personally liable therefor, and also for a remedy for mandamus for righting the wrong.

Sec. 2 Minnesota Statutes 1941, Section 197.46 as amended by Laws 1943, Chapter 230, Section 2, is amended to read as follows;

(4369) 197.46 Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment

or employment in the State of Minnesota or in the several counties, cities, towns, villages, school districts and all other political subdivisions or agencies thereof, who is an honorably discharged veteran, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, in writing. In all governmental subdivisions having an established civil service board or commission, or merit system authority, such hearing for removal or discharge shall be held before such civil service board or commission or merit system authority. Where no such civil service board or commission or merit system authority exists, such hearing shall be held by a Board of three persons appointed as follows: one by the governmental subdivision, one by the veteran, and the third by the two so selected. In the event the two persons so selected do not appoint the third person within 10 days after the appointment of the last of the two, then the judge of the district court of the county wherein the proceeding is pending, or if there be more than one judge in said county then any judge in chambers, shall have jurisdiction to appoint, and upon application of either or both of the two so selected shall appoint, the third person to the board and the person so appointed by the judge with the two first selected shall constitute the board. The veteran may appeal from the decision of the board upon the charges to the district court by causing written notice of appeal, stating the grounds thereof, to be served upon the governmental subdivision or officer making the charges within 15 days after notice of the decision and by filing the original notice of appeal with proof of service thereof in the office of the clerk of the district court within 10 days after service thereof. Issues of fact shall be framed upon motion of either party and the trial thereof shall be by jury unless trial by jury shall be waived. The burden of proving incompetency or misconduct shall rest upon the governmental subdivision alleging the same. Nothing in this act shall be construed to apply to the position of private secretary, teacher, superintendent of schools or one chief deputy of any elected official or head of a department, or to any person holding a strictly confidential relation to the appointing officer. The burden of establishing such relationship shall be upon the appointing officer in all proceedings and actions relating thereto.

All officers, boards, commissions and employees shall conform to, comply with and aid in all proper ways in carrying into effect the provisions of this act. Any willful violation of this act by officers, officials, or employees is a misdemeanor.

H.F. 616

Introduced by  
Messrs. Memmer, Lee and Allen.

February 16, 1945

Referred to Committee on Veterans' Affairs

Reported back April 6, 1945.



C  
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A BILL

FOR AN ACT, Relating to Civil Service for the State of Minnesota  
and amending Minnesota Statutes 1941, Section 43.03.

Be it enacted by the Legislature of the State of Minnesota;

Section 1. Minnesota Statutes 1941, Section 43.02, is hereby amended  
to read as follows:

"The civil service board of the state of Minnesota is hereby created and established. It shall consist of three members, who shall be appointed by the governor, with the consent of the senate, without regard to part affiliation, one of whom so appointed shall be a veteran as defined by Section 197.45. No member of the board shall hold any other public office or public employment, the office of notary public or a military office excepted, and no person shall be appointed as a member of the board who has held a paid position in a political party within the two years immediately preceding his appointment. In appointing the first three members of the board the governor shall designate one member for a term expiring February 1, 1941, a second member for a term expiring February 1, 1943, and a third member for a term expiring February 1, 1945. The terms of all subsequent members of the board shall be six years and until their successors are appointed and have qualified. The governor may remove a member of the board only upon written charges, after the member has been given a copy of the charges against him and an opportunity to be heard publicly on the charges before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state. Vacancies in the membership of the board shall be filled by the governor, with the consent of the senate. The term of a member appointed to fill a vacancy shall be for the remainder of the unexpired term of the member he is appointed to succeed, and until his successor is appointed and has qualified. Each member shall take an oath of office before entering upon the duties of office. The chairman of the board shall be chosen by the members of the board from among their own number under such rules as they shall make. The chairman shall have the powers of a presiding officer.

The civil service board shall maintain its principal office in such space as shall be provided for it by the proper state officials and shall maintain its records at this principal office, and shall hold its regular meetings there, but special meetings may be held in other cities in the state when, in the discretion of the chairman, it is necessary to meet in some other city than the capitol city of the state in the performance of the duties of the board. Meetings of the board shall be open to the public and no meetings or hearings of the board shall be held unless at least two members of the board are present. The director of the state civil service shall act as the secretary of the board. The board shall keep records and minutes of its business and official actions, and these records and minutes shall be public records open to public inspection, subject to such rules as to hours and conditions of inspection as the board may establish. It shall be the duty of the officer or officers charged by law with the custody of the state buildings, upon written request of the civil service board, to assign suitable office space for executing the duties charged to it and to the director of the state civil service.

Each member of the board shall be paid \$15.00 per day for each day actually devoted to duties as a member of the board, but in no case shall any member be paid more than \$450.00 in any one year; provided, that this limitation shall not apply to payments on account of expenses and shall



not apply during the first two years of the board's service. Members of the board shall be paid for expenses in travel to and from meetings and for necessary expenses incurred during meetings of the board

H. F. No. 63

S. F. 111

Introduced  
and Read First Time January 12, 1945

Introduced by  
Johanson, Steining Baughman

By Mr. Lee, Burnap, Windmiller, Herseth, Daun

Referred to Civil Administration

Ref. to Com. on Veterans' Affairs

Referred to Civil Administration

Never left committees

(1941)

Memorandum on Proposed Legislation

Effect of Senate File 611, House File 1223:

*making possible*

1. Classification - By suspending operation of the classification plan, almost all provisions of the Civil Service Act will be rendered inoperative. (a) Competitive examinations could not be held for classes of positions but would be held separately for every vacancy at great cost of time and money; (b) The basis for an orderly means for effecting transfers, promotions and demotions is removed; (c) Equal pay for equal work becomes impossible because the method of determining equal work is not available; (d) Department heads will find it extremely difficult to deal effectively with their departmental personnel problems without the aid of a classification plan; (e) No formal method of determining the proper pay of new positions will be available and personal service costs will undoubtedly increase; (f) If the plan is put into operation at a future date, the entire classification process will have to be done over with a resulting increased cost.

*making possible*

2. Compensation - By suspending the operation of the compensation schedules, the following will result: (a) Equal pay for equal work could not become a reality even if the classification reference were deleted; (b) Salaries could not be stated in examination announcements issued by the Civil Service Department to fill vacancies in the state service; (c) An entirely new compensation plan would have to be prepared if the legislature desires to make such schedules effective two years from now and no opportunity has been provided to keep the schedules current.

Effect of Section 39 of Senate File 1026, the Appropriations Bill:

1. All savings which might be expected to accrue to the state from replacement of employees who receive more than the minimum salary for their positions, will be lost.
2. There will be no possibility of rewarding continued meritorious service or meeting federal or industrial competition through salary increases.
3. There will be extreme pressure to raise incumbent employees' salaries before June 30, 1941 to a point beyond what the positions are now worth to the state.

[1941]  
FILE COPY

## Progress of the Minnesota State Civil Service System

By W. E. Elston, Editor, Worthington  
Daily Globe, and Chairman, State  
Civil Service Board

**N**OW THAT the Minnesota civil service system has been in operation for nineteen months and is coming up for consideration once more at a legislative session, a brief review of the accomplishments of the Civil Service Department and the board and their plans for the future should be of interest to citizens of this state.

1,483 veterans who on April 22, 1939, attained permanent civil service status. On that same date, another group of employees who had more than five years of service was granted permanent status subject only to a six months pro-





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### LEGISLATIVE HIGHLIGHTS

Civil Service The recent ruling of the Attorney General, clarifying the civil service status of such employees as the secretary of the Railroad and Warehouse Commission, the deputy commissioner of agriculture, and other similar positions in the state service, has opened the way to bills to exempt such positions. The first such bill was introduced by Representative Lee (HF 153) and would exempt the "secretary of the Railroad and Warehouse Commission and all other persons appointed by such Commission." Members of the Civil Administration Committees in House and Senate, to which civil service amendments will be referred, are:

<u>Senate</u>			<u>House</u>		
Wright, ch.	Larson, N J	Rosenmeier	Hartle, ch.	Hill	Memmer
Almen	Lommen	Stiening	Berlin, v ch	Hinderacher	Odenborg
Carley	Neumeier	Sullivan	Bennett	Huhtala	Olson
Imm	Siegel	Swenson	Campbell	Kempfer	Oraas
Kingsley	Solstad	Wahlstrand	Chilgren	Lee	Paige
			Dixon	Lenertz	Perrizo
			Erickson, G	Lindley	Peterson, E
			Erickson, R F	Lindstrom	Riley
			French	MacKinnon	Schulz
			Hanson	Mayhood	

Public Health Nursing This bill, providing for a \$1 000 grant to each county in the state which has employed one or more public health nurses the preceding year has been introduced into the Senate (SF 61) by Senator Wahlstrand, and into the House (HF 45) by Kempfer, Burnap, and Chilgren, and referred to the Public Welfare Committees. It is being actively supported by the American Legion, and the League is likewise giving it support. It has been recommended to pass by the House Public Welfare Committee, following a hearing last Friday at which the League was represented, and has now gone to the House Appropriations Committee.

County Welfare Boards A bill to increase the representation of county commissioners on these boards from three to five members (making seven-member boards, including two "lay" members) has been introduced into the Senate (SF 84) by Cashman, Imm and Oliver. Members of the Public Welfare Committee, to which this bill was referred, are listed below, and Leagues with members on this committee have already been asked to tell them of the League's interest in maintaining adequate lay representation on these boards.

Stiening, ch.	Lightner	Mullin	Tungseth
Almen	Loftsgaarden	Oliver	Weber
Cashman	Lommen	Richardson	Wolfe
Dougherty	Masek	Rockne	Wright
Julkowski	Miller	Sell	

Discriminations against women in public service A bill (HF 29) has been introduced and referred to the Civil Administration Committee, which would prohibit any person working for state, county, city or other political subdivision, whose husband or wife is gainfully employed and earns in excess of \$150 a month. The authors - all but one from St. Paul - are Schulz, Gibbon, Memmer, O'Malley and Nonnemacher. The League is opposed to discriminations in public employment based on sex or marital status, as one aspect of the general principle of appointment and retention on the basis of ability to do the work.

Common Law Marriage The legislative program of the State Bar Association includes the abolishment of such marriages. While no bill has as yet been introduced, the League stands ready to work for this long-sought improvement.

FOR YOUR INFORMATION

MINNESOTA LEAGUE OF WOMEN VOTERS  
914 Marquette Avenue  
Minneapolis

January 27th,  
1941

Dear Local League President:

The first bill to weaken civil service has been introduced. It is described in the enclosed Legislative Highlights. Now is the time to start writing to our legislators, pointing out that in order to have an effective merit system in our state government, there must be consistent application to all departments and non-policy-determining positions in the government service.

Further exemptions, such as proposed in the Lee bill, serve only to make available more positions which are subject to patronage. As you remember, there are already more positions exempt under our law than is desirable. (see An Evaluation of Minnesota's New Civil Service Law - May 1939).

Will you begin - especially those of you who have members serving on the Civil Administration Committees - to secure as many letters as you can to your legislators, from League members and others, on this point of exemptions? There may be other specific bills on this point introduced; therefore, letters should be made to apply to the principle of exemptions - not to this specific bill.

The accompanying reprint of an article by W. E. Elston, we hope will be useful to you. If it hasn't been reprinted or commented upon in your local paper, you might take it to your editor, and at the same time enlist his help in calling attention to attempts to weaken civil service.

If we continue to be articulate on the principle of good civil service, there is a good chance that our law will not be weakened.

Sincerely yours,

Ruth H. Mitchell  
Ruth H. Mitchell,  
President

Enclosures:

Legislative Highlights  
Reprint of Elston article  
Copy of letter sent to your Social Welfare chairman  
Copy of letter from our National president, together with  
some explanations made of objections to HR 1776.



Minnesota League of Women Voters,  
914 Marquette Ave., Minneapolis  
February 15, 1941

## ATTACKS ON CIVIL SERVICE

### TWO DANGER POINTS!

### INCREASING EXEMPTIONS CUTTING APPROPRIATION

The League of Women Voters is working against all amendments - good or bad - in order to give the law another two years of full operation and a fair trial; is working for an adequate appropriation

All but one of the half dozen bills introduced so far would increase the exemptions from the civil service system; one would alter the administrative set up.

### Appropriation

The Governor's budget message asked for a biennial appropriation for the Civil Service Department of \$180,000.

The Civil Service Department is asking for a biennial appropriation of \$234,000 in order to carry to completion all the requirements of the law.

### Effect of compensation schedule on departmental budgets

In putting into practice the concept of "equal pay for equal work", the compensation schedule recommended by the Civil Service Board to the Legislative Emergency Committee included pay increases and decreases. The total net increase was \$22,000 per year or fifteen one hundredths of one per cent of the total annual state payroll of approximately \$15,000,000.

In some instances, departmental budget requests for personal services are apparently based, not on the compensation schedule submitted by the Civil Service Board, but on the basis of the recommendations made by the Legislative Emergency Committee that provision be made that salaries of those employees with five years of service and those receiving \$150 a month or less not be cut by reason of the adoption of the salary schedule.

Also, in some instances, allowances in budget requests are made for salary increases for all or nearly all employees to the full extent allowed under the civil service law, while the rules clearly provide that salary increases are not automatic or mandatory, but are permissive.

<u>Senate Civil Administration Committee</u>			<u>House Civil Administration Committee</u>		
Wright, ch.	Larson, N J	Rosenmeier	Hartle, ch.	Hill	Memmer
Almen	Lommen	Stiening	Berlin, v ch	Hinderacher	Odenborg
Carley	Neumeier	Sullivan	Bennett	Huhtala	Olson
Imm	Siegel	Swenson	Campbell	Kempfer	Oraas
Kingsley	Solstad	Wahlstrand	Chilgren	Lee	Paige
			Dixon	Lenertz	Perrizo
			Erickson, G	Lindley	Peterson, E
			Erickson, R F	Lindstrom	Riley
			French	MacKinnon	Schulz
			Hanson	Mayhood	
<u>House Appropriations Committee</u>			<u>Senate Finance Committee</u>		
Allen, ch.	Hart	Lenertz	Rockne	Herreid	Nelsen
Hompe	Hartle	Teigen	Adams	Imm	Oliver
Arnoldt	Lorentz	Thompson	Almen	Kingsley	Orr
Boze	MacKinnon		Berg	Larson, HA	Solstad
Chilgren	Helling	Martinson	Bridgeman	Lightner	Sullivan
Dammann	Hering	Melby	Carr	Mullin	Swenson
Dan	Herseith	Mickelson	Dietz	Murphy	Wolfe
Dorweiler	Hillier	Omtvedt			
Duenke	Hughes	Ottinger			
Haag	Iverson	Peterson, E L			
Hagen, G	Kinzer	Sawyer			
	Kozlak	Terwilliger			

MINNESOTA LEAGUE OF WOMEN VOTERS  
914 Marquette Avenue  
Minneapolis

February 18th, 1941

Dear Local League President:

You were greatly missed yesterday at the presidents' conference. About forty were present, and we had a very helpful and a very delightful day of discussion at Mrs. Dalrymple's home.

I am getting this word to you immediately because we talked of several matters in which we need your help. First and foremost, it was decided that the League must accept a very necessary challenge if Minnesota's civil service system is to remain worthy of the reputation which it has gained throughout the country. The enclosed sheet will show you what some of the present dangers to it are. The discussion yesterday brought out the following ways in which League members can help.

- 1) Letters many of them, from men and women, to your legislators, showing interest and belief in civil service. (See enclosed sheet for points to stress and for committee members.) If you have a legislator on one of the committees, your responsibility is greater. Remember that the other organizations represented on the Civil Service Council will have members willing to write if told of the danger. Letters are important and effective.
- 2) Publicity Do get editorials or news items and then clip and send them to your legislators.
- 3) Talk civil service to other organizations and to individuals and keep public interest in it alive and expressive.
- 4) Contact your legislators when they come home for week ends and give evidence of your interest.
- 5) Analyze and study the opposition so that you can answer all questions.

If we work our hardest at the present time, we will be able to keep civil service intact and adequately financed. Are you and your members being asked questions on civil service that you cannot answer? Let us know what more help you need in the way of facts and information. Send in any specific questions you have, and we will see that you have complete and definite answers.

If you have ideas about our next year's program of work and about our annual convention - May 14th and 15th in Minneapolis - do share them with me, as the other presidents did yesterday.

There was a good deal of discussion at the conference on membership, based on the enclosed letter from Miss Wells, with its challenge for increasing our membership.

We all agreed that while the demands made upon the League at the present time make leadership more difficult and time-consuming, that the satisfaction we feel, each one of us, at having such a way to effectively serve our country makes us very glad that we are trained in League leadership. I am thankful for each and every one of you.

Sincerely yours,

Ruth H. Mitchell,  
President

KANABEC COUNTY POST NO. 2965

Veterans of Foreign Wars  
of the United States

Glenn M. Hogle  
Service Officer

MORA, MINNESOTA  
February 28, 1941

Honorable Fred Newton,  
State Senator, 55th District,  
Saint Paul, Minnesota

Dear Mr. Newton:

Two years ago the Legislature, upon the recommendation of the Governor, abolished the political spoils system, "To the Victor belongs the Spoils," and instituted the Civil Service Act, which similiar to many reforms, may have some defects, but certainly is a long stride in the right direction. We now have the news that the Senate Committee has recommended to cut the estimated appropriation of the Department of Civil Service to about one third of the sum requested to carry on the work.

At the outset let me inform you that I acknowledge the fact that there has been some abuses of the Civil Service in some Departments, and I suppose that the "Spoilsmen" have brought pressure to have their henchmen secure appointments, but this evil is of small consequence when we consider the happenings from the time Minnesota became a State up to the enactment of the present Civil Service Law. When the Act was first proposed there was quite a howl went up from various groups of Ex-Service Men, claiming that the Soldiers Preference Act would be abolished, an Act that had been in force for over 50 years. I am the Area Service Officer for Mille Lacs, Aitkin and Kanabec Counties, and to my knowledge only one ex-service man lost his job, and this job was abolished, and another one failed to receive his proper grade in assignment, and this particular case is now being gone over by the employees supervisors. This is indeed quite a record, and should be a strong recommendation to not only continue Civil Service, but strengthen it. Just as the Veterans of the Grand Army gained more and more consideration under Federal Civil Service, so can the present day Veterans gain more consideration under the present State Law as it is being tried and perfected.

As you no doubt know I formerly worked in the Personnel Service of the State and can cite many outstanding cases of the "Spoils System." I would like to mention a case within a few miles of your home. An Ex-Service man was given notice that his services were terminated with the Highway Department in 1935, the notice being given out by a supervisor, with no charges whatever, although the Soldiers Preference Act, which at that time had been in effect since prior to the birth of the supervisor, specifically stated that this employee was entitled to charges which would have to be sustained in the Courts. The reason of this removal was that some of the politicians did not like to continue a "Holdover" on the pay roll. I promptly took action to have this man placed back on the position to which he was entitled, and the supervisor who removed him, stated that this person's services were satisfactory.



KANABEC COUNTY POST, NO. 2965  
Veterans of Foreign Wars  
of the United States

MORA, MINN.

-2-

Honorable Fred Newton.

In another Highway District I found a condition where persons desiring employment with the Highway Department were compelled to secure the indorsement of one of the janitors in the shops before he could be considered. If a person was qualified to be an engineer, foreman, shop foreman, etc., it was required that you first obtain the indorsement of the janitor whom you would supervise after appointment. These conditions did not just happen in 1935 or 1936, but happened since the Statehood of Minnesota, and up to the passage of the present Civil Service Act. Prior to the passage of the present act there was little or no regard for the Soldiers Preference Act, and qualifications were your political complexion.

I have always been a strong believer in Civil Service for all Public Employees. While in the Personnel Service I conducted tours to the Highway Department Maintenance shops over the State and in talking to these large groups of employees urged them to organize and appoint committees to work with the members of our Legislature for a Civil Service Reform in order that they could have some measure of security in their work. Many times they were informed that an honest day's work was their best asset, and to devote their spare time seeking this reform, rather than mingling with this or that political faction.

The present act has been in force less than two years. It has not had a fair trial. To seriously curtail the funds of this Department before its true merits are proven to the public, will be the beginning of the end of Civil Service for Minnesota. I do not know whether or not you are on the particular committee that proposes to make this unreasonable cut of this Department's estimated needs, but I am sure that you can appear before the committee and request a much more adequate allowance. If during this present session, you need my assistance, or the assistance of any of the groups I represent, please feel free to call upon me, that is if you are willing to lend a hand.

In writing this to you, I want you to know that I do not know the Director of Civil Service, none of the members of the Board, and to my knowledge none of the employees of the Department of Civil Service. My comments are unsolicited, just my own thoughts in the matter, and the ideas of the groups of ex-service men that I represent.

Kindly let me hear your reaction in this matter.

Sincerely yours,

/s/ Glenn M. Hogle  
Service Officer.

# STATE OF MINNESOTA

FIFTY-SECOND }  
SESSION

S. F.

No. 611

Introduced by Messrs. Neumeier and Rockne.

February 19, 1941.

Referred to Committee on Civil Administration.

Reported back March 17, 1941.

Matter in italics is new; matter in capitals when in ( ) is old law to be omitted.

## A BILL

For an Act Relating to State Civil Service and Amending Mason's Supplement 1940, Section 254-60 (2).

*Be it enacted by the legislature of the State of Minnesota:*

SECTION 1. That Mason's Supplement 1940, Section 254-60 (2), be amended so as to read as follows:

(2) The director of the state civil service shall, as soon as practicable after the adoption of the classification plan, prepare a schedule of salary or wage rates and ranges for each class, grade or group of positions in the classification. Such salary and wage schedules *and classification plan* when approved by the civil service board after public hearing shall be submitted to the (COMMISSION OF ADMINISTRATION AND FINANCE,) *commissioner of administration*, who may approve, or reject, such schedules *and classification plan*. When approved by the (COMMISSION OF ADMINISTRATION AND FINANCE,) *commissioner of administration*, they shall be (USED BY THAT COMMISSION IN CONNECTION WITH ALL PAYROLLS AND ACCOUNTING RECORDS AND WITH ALL BUDGET ESTIMATES FOR STATE GOVERNMENT. THE SALARY SCHEDULES FOR EACH CLASS, GRADE, AND GROUP SHALL BE SUBMITTED WITH ITS RECOMMENDATIONS, TO THE LEGISLATURE AT THE OPENING OF THE NEXT LEGISLATIVE SESSION. UNLESS CHANGED BY THE LEGISLATURE THE SALARY AND WAGE SCHEDULES SO PREPARED BY THE DIRECTOR OF THE CIVIL SERVICE AND APPROVED BY THE CIVIL SERVICE BOARD AND THE COMMISSION OF ADMINISTRATION AND FINANCE SHALL BECOME THE CURRENT OFFICIAL COMPENSATION RATES APPLICABLE TO THE VARIOUS CLASSES AND GRADES AS ENUMERATED.) *submitted to the legislature and shall have no force or effect and shall not prevail or be adopted until said salary and wage schedules and classification plan are approved and adopted by the legislature, and any approval thereof which may have been made by the Legislative Emergency Committee shall have no force or effect. The legislature may change and modify said proposed classification plan and salary and wage schedules, but any change in salary or wage rates shall apply to an entire grade or group uniformly, (NOTHING IN THIS SECTION SHALL PREVENT THE LEGISLATURE FROM INCREASING OR REDUCING THE SALARY OR WAGE RATES OF ALL*

23 POSITIONS IN AN ENTIRE GRADE OR GROUP UNIFORMLY BUT IT) *and* shall not increase the rate  
24 of pay of any grade or group beyond the rate in the next higher grade or group, nor reduce the pay of any  
25 grade or group below the rate of pay fixed for the next lower grade or group in the same service(.) ; *pro-*  
26 *vided, however, that no reduction shall be made in the salary or compensation of any employee who was in*  
27 *state employment on April 22, 1939, and who at said time received a salary of \$150 or less per month, and that*  
28 *no reduction shall be made in the salary or compensation of any employee who was in state employment on*  
29 *April 22, 1939, and for five years immediately prior thereto.*



MINNESOTA LEAGUE OF WOMEN VOTERS  
914 Marquette Avenue  
Minneapolis

March 1st, 1941

Dear Local League President:

SHALL CIVIL SERVICE BE GIVEN A FAIR TRIAL? IT'S UP TO US!

The time has come for the League of Women Voters to show real leadership in seeing that public opinion in favor of a merit system for Minnesota be focussed on our law makers.

Our work of the past several years in achieving and maintaining a civil service law will be lost, if this session of the legislature continues to offer weakening amendments and appropriates insufficient funds.

Letters from in and out of the League membership must continue to go to the legislators. Letters do help.

To Senators - protesting the "starvation" appropriation of \$74,000 for the biennium recommended by the Senate Finance Committee.

To members of the House Appropriation Committee - asking for consideration of a much larger amount, preferably the amount requested by the Department - \$237,000 for the biennium.

To all other legislators - showing interest and concern for civil service. If you have written once, write again. Have your husband and friends write.

Protest meetings might well be held, calling on the other organization represented on the Civil Service Council. Publicity of such meetings would be helpful.

Publicity Newspaper comment continues to be effective. Editorials should be mailed to your legislators with some constituent's name attached, and one copy mailed to this office. The enclosed copy of a statement made to the finance committees of both houses by the Civil Service Council may be of interest to your local paper. Use it in any way you wish. Radio - remember that this is another avenue for informing and arousing your public.

Talk - with your legislators when they are at home. Talk with your friends and neighbors about the danger to civil service.

A new 2¢ sheet on Answers to Criticisms of Minnesota's Civil Service System will be ready within a few days and will soon be sent on your running accounts. This should help you in answering questions and could be used in publicity.

I should advise your calling a special meeting of your League or of your board, so that you may have a carefully worked out plan for maintaining an interest in civil service until the end of this legislative session. While this is the time for a deluge of letters, the citizen's interest in civil service must continue to be demonstrated until the latter part of April when the session ends.

We can well be proud of the work which the Leagues have already done in support of our major interest, but it is not enough. Letters must go from many more men and from many more rural people. The legislators know of League support, but they have not heard from the rest of your community. Make them want to write, help them write, see that they write. Any reports of work you are doing will be interesting and helpful to those of us on action at the Capitol. Join us there and do personal work at any time that you find it possible.

Sincerely yours,

*Ruth H. Mitchell*

Ruth H. Mitchell,

President

URGE RETENTION OF PRESENT ADMINISTRATIVE SET-UP

MAR 29 1941

## A BILL

FOR AN ACT RELATING TO STATE CIVIL  
SERVICE AND AMENDING MASON'S SUPPLE-  
MENT 1940, SECTION 254-60 (2).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA;

Section 1. That Mason's Supplement 1940, Section 254-60 (2),  
be amended so as to read as follows:

(2) The director of the state civil service shall, as soon as practicable after the adoption of the classification plan, prepare a schedule of salary or wage rates and ranges for each class, grade or group of positions in the classification. Such salary and wage schedules and classification plan when approved by the civil service board after public hearing shall be submitted to the ~~commission of administration and finance~~, commissioner of administration, who may approve or reject, such schedules and classification plan. When approved by the ~~commission of administration and finance~~, commissioner of administration, they shall be used by that commission in connection with all payrolls and accounting records and with all budget estimates for state government. ~~The salary schedules for each class, grade, and group shall be submitted with its recommendations, to the legislature at the opening of the next legislative session. Unless changed by the legislature the salary and wage schedules so prepared by the director of the civil service and approved by the civil service board and the commission of administration and finance shall become the current official compensation rates applicable to the various classes and grades as enumerated, submitted to the legislature and shall have no force or effect and shall not prevail or be adopted until said salary and wage schedules and classification plan are approved and adopted by the legislature, and any approval thereof which may have been made by the Legislative Emergency Committee shall have no force or effect. The legislature may change and modify said proposed classification plan and salary and wage schedules, but any change in salary or wage rates shall apply to an entire grade or group uniformly. Nothing in this section shall prevent the legislature from increasing or reducing the salary or wage rates of all positions in an entire grade or group uniformly but it and shall not increase the rate of pay of any grade or group beyond the rate in the next higher grade or group, nor reduce the pay of any grade or group below the rate of pay fixed for the next lower grade or group in the same service; provided, however, that no reduction shall be made in the salary or compensation of any employee who was in state employment on April 22, 1939, and who at said time received a salary of \$150 or less per month, and that no reduction shall be made in the salary or compensation of any employee who was in state employment on April 22, 1939, and for five years immediately prior thereto.~~

H.F. No. 1223

Introduced by: R. G. Johnson

April 9th,  
1941

Mr. O J Jerde,  
St. Cloud, Minnesota

My dear Mr. Jerde: -

As you probably know, a bill to amend the Veterans' Preference Law is before both houses this session. In the Senate it is SF 767, and has been passed; HF 966 is on General Orders. This bill would make the preference apply, in addition to the present provisions, to villages, school districts and all other political subdivisions; and to nurses, widows of deceased veterans and the spouse of a disabled veteran who is unable to qualify. It gives absolute preference in civil service appointments.

Would you be willing to send a statement to Speaker Lawrence Hall (sending a copy to me) expressing your approval of the present veterans' preference provisions, and disapproval of this proposed extension? I am sure such a statement from you would be of much assistance. Possibly you may know of some other veterans who would be willing to make some such statement.

Sincerely yours,

Ruth H Mitchell,  
President



April 15, 1941

Speaker Lawrence M. Hall  
House of Representatives  
St. Paul, Minnesota

Dear Speaker Hall:

My attention has been called to the possibility of an amendment to the civil service law with reference to veteran's preference.

I hope that it will be unnecessary to amend this provision in the act towards the liberalization of the exemptions. I know the pressure brought to bear by veteran organization for an absolute elimination of all qualifications relative to veterans. This from the point of view of good government is a very bad feature and I feel no more preference should be extended than those contained in the original act. We had to make several compromises as you recall in the extension of preferences two years ago which are contrary to sound logic and efficiency in governmental functioning.

I hope that you may see your way clear to hold out against any further liberalization of these preferences. As a veteran, I am constantly anxious to see those of our comrades who are in need taken care of in some way, but I cannot reconcile preferences to veterans with sound governmental procedure. Those of us among the veterans who believe in good government can imagine many ways in which the veteran can be helped if he is entitled to help without in any way jeopardizing the sane and efficient conduct of our political affairs.

Sincerely yours,

O. J. Jerde

bib

# ed By Briggs

Minnesota Legionaire April 2, 1941

## Believes Board Aims To Be Fair

Allan Suggests Several Desirable  
Changes; Warns Against Defeat of  
The Law By Crippling Amendments

By ALLAN BRIGGS, Legislative Chairman

There has been much discussion on civil service legislation as it affects veterans. Of charges that have been made against administration of the law and against provisions of the law itself, many are justified.



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### Some points on veterans' preference

A flat contradiction of the merit idea of a public service of the best qualified. Veterans' groups base their claim on the debt that is owed to the men who serve in wars. Society is under obligation to help veterans make a satisfactory readjustment to civil life after a period of war service, but the giving of arbitrary preference in all public employment is not the solution. The function of government is to serve the public; not to provide jobs for those who need them. Furthermore, from the point of view of the veteran it is not an unmitigated advantage to secure a job for which he would not otherwise be fitted.

In a state like Massachusetts where no one but a veteran has a chance of appointment to many positions, most women and the entire generation that has grown up since the World War feel that the cards are stacked against them and do not, therefore, seriously consider the government as a source of employment. This fact has serious implications for the vigor of the public service in that state.

Veteran preference is not only hard on the public and on non-veteran applicants, it is also hard on the appointing officer. The administrator who knows that he may have to appoint a veteran who is not qualified for the job, is seriously handicapped in carrying out his responsibilities.

In Missouri the Legion is ~~actively~~ actively supporting a law which would give preference to veterans only in those cases where the rating earned is as high as that of a non-veteran. In Mass. there is a rising public interest in modifying veteran preference, which is gradually being reflected in the attitudes of the legislators.

MAY 6 - 1941

## ANALYSIS OF LEGISLATION AFFECTING CIVIL SERVICE

### INTRODUCED AT THE 1941 SESSION OF THE LEGISLATURE

Thirty-two bills which referred directly to state civil service were introduced in the 1941 session of the legislature. Six of these bills made up companion sets introduced in both houses, covering only three subjects. All of the legislation which finally became law was contained in Senate File 502, as amended, except for the county merit bills and some of the miscellaneous measures. A summary of the content of these thirty-two measures is given below.

#### REPEAL BILLS

Two bills which would have repealed the State Civil Service Act were introduced in the Senate (Senate Files 768 and 856) but were not reported out of the Civil Administration committee to which they were referred.

#### REORGANIZATION

Senate File 534 provided for establishment of a full time Civil Service Board of three and a secretary to the Board. The Board members were to receive \$4200 per year and were to administer the Civil Service Act and appoint all members of the department's staff. The latter were required to be residents of Minnesota for five years prior to appointment. This bill was killed through its indefinite postponement in the Civil Administration committee.

#### VETERAN'S PREFERENCE

Senate File 767, a companion bill to House File 266, extended veteran's preference provisions to local jurisdictions and to certain positions in the state unclassified service. It did not affect the state classified service. This measure passed both houses but was vetoed by the Governor.

Senate File 1176, a companion bill to House File 1394, was intended to give veterans preference in filling provisional appointments in the classified service. It also made mandatory the use of statewide reemployment registers. The latter procedure, which has some merit, may be possible under the existing law. This bill was also vetoed by the Governor.

#### BILLS GRANTING OR TAKING AWAY CIVIL SERVICE STATUS

House Files 153 and 192 were designed to remove the positions of employees of the Railroad and Warehouse Commission from the classified service. The first bill would have affected all employees of the commission and the second only the secretary. Both these measures were dropped by the conference committee on civil service measures.

Another bill on this subject was Senate File 1292 which would have exempted from the classified civil service all positions in the office of the Attorney General. This bill was never reported out of committee.

Several measures were introduced which sought to make more flexible the employment transactions concerning laboring positions. These included Senate File 502 and House Files 1316 and 789. The first two bills provided that all common and special labor positions and all temporary positions should be placed in the unclassified service. House File 789, which was ultimately substituted for Senate File 502 was passed and signed by the Governor; it retains laboring positions in the classified service by establishing a labor service and modifying the provisions of the act to allow for more flexibility in handling these jobs.

Two bills which were designed to allow provisional appointees to gain civil service status were introduced during the session. One of these bills applied specifically to certain employees of the Department of Conservation. (House File 739). This measure was indefinitely postponed by the committee to which it was referred. The other bills (House File 466 and Senate File 397) which attempted to save the state the training which had been invested in provisional employees who had worked more than six months, ultimately passed in modified form. The final measure (passed as an amendment to Senate File 502) will allow employees working on June 1, 1941, who have, on that date, been employed for six months or more continuously, to take qualifying examinations.

Another bill on this subject was Senate File 960 which provides an interchange of highway engineers between the counties and the state, giving to certain county engineers who were formerly employed by the State Highway Department, full civil service status. This bill was enacted into law.

#### BILLS AFFECTING THE SALARIES OF STATE CIVIL SERVICE EMPLOYEES

A number of measures were introduced concerning salaries of employees in the classified service. All of these measures failed either in committee or on the floor. They include House File 1497 which attempted to establish specific salary ranges for certain classes of grain weighers; Senate File 1048 which set the minimum salary for all state employees at \$80 per month and prevented the reduction of salaries of certain employees under the civil service salary schedules; Senate File 1185 which set salaries for certain highway positions; Senate File 1271 preventing reduction of salaries of veterans and Senate File 611 suspending the operation of the civil service salary schedules.

#### MISCELLANEOUS MEASURES

Certain other bills were introduced relating to civil service, at least two of which were enacted into law. These include House File 559, which will allow employees in the classified service to obtain leaves of absence to accept positions in the unclassified service, and House File 1470 which will make possible systematic deductions from employees salaries for the State Employees Credit Union. House File 1405 which would have authorized the Auditor and Treasurer of the State to deduct premiums and dues from employees' salaries and pay such amounts to designated insurance companies or welfare groups was not reported out of committee. Senate File 1062 which clarified the status of incumbents of unclassified positions placed in the classified service by amendment of the civil service act was passed by both Houses and signed by the Governor.



Two bills were introduced intended to establish a merit plan for county welfare boards as required by the Federal Social Security Board before grants in aid may be made. These were House File 584 and Senate File 1104. In their original forms each of these bills prohibit participation in the county merit program by the state Civil Service department. Such participation was not prohibited in the amended measure which finally passed (Senate File 1104).

Senate File 1054 which related to Firemen's Civil Service Commissions in certain cities and villages was considered by both Houses but its exact disposition is not yet known. Several changes were made in the State Retirement Act concerning compulsory retirement age and eligibility for pensions. None of these measures, however, conflict to any great extent, with the Civil Service Rules on the subject except by extension of the compulsory retirement age.

#### COUNTY CIVIL SERVICE BILLS

Two bills were passed at this session of the legislature providing for the establishment of civil service in counties of the state. In general, these acts may be considered as satisfactory and, under competent administration, they should allow the establishment of good personnel administration in the counties concerned. The most important provisions of these acts are outlined below:

##### CHAPTER 423 - House File 172

##### AN ACT CREATING A CIVIL SERVICE COMMISSION FOR ST. LOUIS COUNTY

1. This act is to become effective only after ratification by referendum vote at the next general election.
2. The board of county commissioners is to appoint a civil service commission of three members. The judges of the district court must approve appointment of the civil service commission.
3. The civil service commission shall appoint an examining committee of three persons and they shall certify three names from which the civil service commission shall select a director.
4. The civil service commission shall adopt rules and regulations for the administration of the act.
5. The director shall be responsible for the actual administration of the act and the rules.
6. Persons in the classified service having five years or more employment by the county before the time the act is put into effect shall receive full civil service status. Those persons in the classified service having been employed less than five years by the county must take a qualifying examination within two years of the effective date of the act.
7. The sum of not less than \$15,000 is appropriated for each of the first two years and thereafter not less than \$10,000 per year shall be appropriated unless the Commission asks for less.
8. Veterans' preference in rating and appointment is the same as in the state civil service law. Five points shall be added to the score of non-disabled

veterans and 10 points added to the score of disabled veterans. If such augmented rating gives the disabled veteran a passing grade, his name shall be placed at the head of the list.

CHAPTER 513 - House File 1119

AN ACT CREATING A CIVIL SERVICE COMMISSION FOR RAMSEY COUNTY

1. By referendum this act shall be referred to the voters at the next general election. Within 30 days of ratification the county commissioners shall appoint a civil service commission of three members.
2. The commission may contract with the City of St. Paul or appoint a director to administer the provisions of the act.
3. It shall be the duty of the civil service commission with the assistance of the administrator to prepare and submit to the county commissioners rules and regulations.
4. Officers and employees of the boards of county welfare are specifically excluded from the provisions of this act.
5. Persons holding positions in the classified service as of February 1, 1941 shall be subject only to a six months' probationary period which shall commence to run from the date of appointment of the civil service commission.
6. This act shall take effect and be in force June 1, 1941.

Minnesota League of Women Voters,  
914 Marquette Ave., Minneapolis  
June 1941

Price - 1 cent

#### THE 1941 LEGISLATIVE STORY ON CIVIL SERVICE

There were in all 32 bills affecting civil service introduced into the 1941 session of the legislature. Some of these were companion bills introduced into both houses; others appeared only in one house. These bills included 2 for repeal; 1 for reorganization; 6 increasing exemptions from civil service; 6 affecting salaries, 4 affecting veterans' preference, and a few local and minor bills.

Five bills were passed, and signed by the Governor, affecting the State civil service system:

- 1) Permitting interchange of state and county highway engineers.
- 2) Making possible systematic deductions from employees' salaries for State Employees' Credit Unions.
- 3) Clarifying status of incumbents of unclassified positions now placed in classified service.
- 4) Establishing merit plan for County Welfare Board employees.
- 5) An "omnibus" bill, covering the following:
  - A. Labor Service established
    1. Civil Service Board to determine what classes included
    2. Entirely out from classified service are special labor projects under unusual employment conditions continuing not over 5 months. Time may be extended beyond 5 months only by permission of Civil Service Board. Covers 1200 to 1500 positions, probably close to 6,000 employees.
    3. All others in Labor Service
      - a. Entire eligible list certified to appointing officer, instead of top three.
      - b. Lay-off and re-employment at discretion of appointing authority
      - c. Temporary demotions and promotions at discretion of appointing authority.
      - d. Leaves of absence and hours of work under control of appointing authority, except that where deviate from rules, Civil Service Board must approve.
  - B. Seasonal employees in office of Secretary of State (working on issuing of licenses) exempted from classified service.
  - C. Heads of Divisions in Department of Labor and Industry (5 or 6 positions) brought into classified service.
  - D. Certain employees in liquidation unit of Banking Department (15 or 20 positions) brought into classified service.
  - E. Civil Service Act shall not be considered to apply to or to have applied to employees of University.
  - F. Leaves of absence may be granted to classified employees to take positions in unclassified service.

(see other side)



G. Director may make special rules for matters involving federal regulations.

H. Pay rolls for certain employees not to be checked by Civil Service Department. These include employees of prisons and of the legislature, election officials, national guard, naval militia, patient and inmate help, etc.

I. Qualifying instead of competitive examinations to be given to provisional employees who have served six months as of June 1, 1941. Examinations must be given before January 1, 1942, and employees must serve 6 months probation after passing examination.

Two bills were passed, extending preference to veterans, vetoed by the Governor.

1) Permitting veterans discharged prior to passage of civil service law and not taken care of under general veteran's preference law to take their cases to court. Same bill also provided for state-wide re-employment registers.

2) Increasing state-wide veterans' preference, except for state positions.

Final appropriation made for the biennium for the Civil Service Department was \$170,000.

Bills, with provisions for referendum of the voters, were passed for the establishment of county civil service systems in Ramsey and St. Louis Counties.