



## League of Women Voters of Minnesota Records

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State of Minnesota  
Civil Service Department  
St. Paul

CIVIL SERVICE BOARD  
W. E. ELSTON, [REDACTED]  
MRS. HARRINGTON BEARD  
F. W. RUSSELL, Chairman

June 29, 1942

DIRECTOR  
KENNETH C. PENNEBAKER

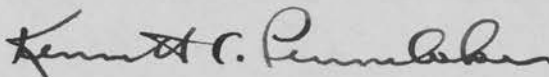
Miss Ruth Mitchell  
Hampshire Arms Hotel  
Minneapolis, Minnesota

Dear Miss Mitchell:

In compliance with the request of Mrs. Fraser, we are enclosing a copy of the memorandum containing the specific replies to certain questions raised in the mimeographed Explanation of Employment and Veterans' Preference.

We trust that this information will be of value to you and are confident you will not hesitate to call upon us if further information is desired.

Yours very truly,



Kenneth C. Pennebaker  
Director

Enclosure



## MEMORANDUM

Specific Replies to the questions raised on Page 3 of the mimeographed Explanation of Employment and Veterans' Preference signed by Margaret Gilmore Fraser (Mrs. Alexander), Department Legislative Chairman.

1. Were veterans classified and their positions allocated according to the duties they were performing on the effective day of the civil service act which was April 22, 1939?
2. Why, after two and one-half years are many appeals made by veterans still pending?
3. Were simple requests of veterans to be classified properly handled?

Section 12 (3) of the Civil Service Act provides that "the director of 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 at any time within thirty days following notice to him of his allocation - - -". The mandate to allocate positions under this section of the act applies to positions in the classified service occupied by veterans as well as positions in the classified civil service occupied by non-veterans.

At the time of the original classification survey positions occupied by veterans and other employees were allocated to classes on the basis of the duties described in the classification questionnaire. The first notices of allocations were mailed on April 15, 1940.

Any employee, veteran or non-veteran who believed that his position was improperly allocated was granted by statute the right to appeal to the Board for further review and consideration, within thirty days of the date on which he received the notice of allocation. There were approximately 1800 appeals under this provision.

Each appeal so submitted was investigated individually by the classification staff and all new information secured in that investigation was considered in determining the allocation to be recommended to the Board.

A notice specifying the recommendation to be made by the staff to the Board was submitted to each employee who had appealed from the original allocation of his position.

Any employee who had appealed from the original allocation of his position was granted an additional fifteen days from the date of receipt of the notice of the recommendation to be made to the Board in connection with his appeal in which to make a second appeal. 650 of the original 1800 appellants availed themselves of this second appeal process. In order that full opportunity might be provided for the presentation of all possible information which might be of value in determining the proper allocation of the positions in question, the Civil Service Board



established the policy that each employee who made a second appeal was to be granted an opportunity to present his case in a personal interview with members of the classification staff at which time any further evidence might be submitted.

Upon conclusion of the appeal process the entire file developed in each individual case was presented to the Civil Service Board and the action of the Board with reference to the appeal was taken by the Board with both the staff members of the department of civil service and the affected employees excluded from the conference and determination.

After the appeal process was exhausted veterans who alleged that their appointing authorities had so changed their duties from those performed on April 22, 1939 that the allocation finally made in their cases did not reflect the duties performed on April 22, 1939, raised the question whether their civil service rights had thereby been adversely affected under the provisions of Section 36 of the Civil Service Act which provides:

"that honorably discharged veterans of past wars - - - holding offices or employment within the classified service on the effective date of this act are hereby given a permanent classified civil service status as of the effective date of this Act - - -".

Because the veteran acquired permanent status without probationary period under the provisions of Section 36 of the Act, if his appointing authority so changed his duties as to have in fact demoted the employee without complying with the provisions of Section 24 of the Civil Service Act, the veteran was entitled to the full protection of that Section.

Where this allegation was made by veterans, in order to properly determine the allocation which would have been given to the position occupied by the individual veteran on April 22, 1939, it was necessary that the employee submit a classification questionnaire describing the duties performed on April 22 and that verification of the description of duties be secured from the appointing authority involved. Upon receipt of the questionnaire so prepared, by the department of civil service, both the employee and the appointing authority were informed of the class of position involving the April 22, 1939 duties. If both agreed that the designated class properly encompassed the duties of the April 22, 1939 position, the entire matter was closed. If either maintained that the designated class was not proper, arrangements were made for a public hearing on the question before the Civil Service Board at the earliest date a crowded agenda would permit. There are thirteen cases on which no determination has yet been made and there are six cases on which hearing is pending. In a number of the nineteen cases outstanding hearings were scheduled for specific dates and the affected employees requested a postponement of the hearing originally scheduled.

On the basis of the above statements it is obvious that two and one-half years have not been devoted to clearance of veterans' appeals, that many veterans' appeals are not still pending, and that "the simple requests of veterans to be classified" have been properly and promptly handled.



4. Have thousands of dollars of taxpayers moneys been spent to settle veterans' cases out of court?

In a number of instances during the months immediately following April 22, 1939 actions were taken by appointing authorities without a full understanding of the provisions of the Civil Service Act and the protection accorded certain employees having permanent civil service status. Between April 22 and October 22, 1939 the only employees having such status were veterans who were in the employ of the State on April 22, 1939. If such actions taken by the appointing authorities were contrary to the provisions of the Civil Service Act, the appointing authorities in many instances corrected the action without the necessity of formal order by the Civil Service Board. In other instances it was necessary for the Board to issue specific orders with reference to the case under the provisions of Section 24 of the Civil Service Act. In some few instances mandamus action against the appointing authority taking the action challenged were instituted in the courts and court orders issued requiring the payment of back salary. We are aware of no instance of payment to reimburse an employee for time lost from employment in any circumstances other than those described in this paragraph.

5. Why are veterans forced to secure counsel and resort to litigation to prove their cases?

Every procedure of the Civil Service Board and every administrative procedure of the department of civil service has been specifically designed to permit an aggrieved party to present his contention at a minimum personal cost. Although no effort is made to compel or force any person to be represented by counsel, no effort has been made to deny any person the right to be so represented by counsel if he so desires. Numerous matters are presented to the department of civil service and to the Civil Service Board without such representation and are promptly and properly acted upon. It is natural, however, that in the operation of a new law affecting vitally the livelihood of individuals, problems will arise in which the legal interpretation and applications of the provisions of that law have not been clearly established. In such instances it is equally natural that the early cases affecting such interpretation and application may in the opinion of the aggrieved party require counsel. In order to insure that the issues and facts may be adequately presented the affected party may desire to be represented by counsel. Because veterans as the only permanent employees prior to October 22, 1939 were the only employees in a legal position to challenge application or interpretation of certain provisions of the Civil Service Act, most of the limited number of legal actions were instituted on their behalf during and immediately subsequent to this period. The fact that the majority of the actions arising from quasi judicial determination or administrative action in the department of civil service were subsequently supported in the courts speaks well for the impartial and proper administration of the Civil Service Act by that department.

6. Why promotions in the service are not made rather than new appointments?

Numerous promotions have been made in the service and an increasing number of promotions will be made under the mandatory provisions of the Rules upon completion of the promotional examination program at present under way.

7. Has the state civil service become so unattractive from a wage standpoint that it is not possible to maintain lists of qualified people?

On the contrary, the State service has become more attractive from a wage standpoint, especially in the lower pay brackets. It is true that in certain professional fields acute shortages of personnel exist and it is equally true that in certain classes of employment of the lower wage brackets the improved state payment of wages is still insufficient to compete with the drastic change in private industry under the present war conditions.

The promotions being made in the state service to some extent appear to be relieving this situation. Evidence of this lies in the fact that adequate competitive registers in the higher classes exist. The only competitive register which has been exhausted thus far is the one for Clerk-Stenographer I, and an adequate register in that field is at present in the process of completion.

8. How many veterans have been appointed in the past two and one-half years?

It is impossible to answer this question completely without circularizing all the state departments for information at present not in the department of civil service. A partial answer is found in the record of appointments from the reemployment, open competitive and promotional registers. It has been estimated that there are 95,000 veterans included in the 1,450,000 male population of Minnesota. This equals 6.65% of the male population. 13.24% or 74 of the 559 males appointed from the reemployment registers were veterans; 18.52% or 5 of the 27 males appointed from the promotional registers were veterans; 13.12% or 42 of the 320 males appointed from the open competitive registers were veterans; 13.26% or 120 of the total 906 males indicated above represents appointments of persons entitled to veterans preference. It will be noted that the percent of veterans appointed from each of the above male groups materially exceeds the per cent of veterans to the total state male population.



SCHMITT, JOHNSON & FARRISH  
MANKATO, MINNESOTAJOHN W. SCHMITT  
DECEASED  
C.A. (GUS) JOHNSON  
CHARLOTTE FARRISH

December 30, 1942

Mrs. Donald C. Brandvold  
Faribault, Minnesota

Dear Mrs. Brandvold:

Your letter of December 22nd concerning the re-organization of the Court system is received. Frankly, I have not had an opportunity to consider very much the proposal which Mr. Loring makes.

I do not agree with you, however, that the system proposed is a step backward. It has been generally felt that appointment of judges is a far superior method to election, by reason of the fact that the general public has little or no knowledge of the capabilities of one in the legal profession. In other words, a man may be a good lawyer, or may have made a reputation for himself with the general public, but not be capable of acting as judge.

At the present time, judges are elected and not appointed, and because of this frequently judges are selected who are not fitted to the position. It has been the experience in states where the appointment system has been used as regards judges that the appointments have been on a fairly high scale and usually upon recommendation of lawyers' associations.

As I understand the proposal, it is recommended that the bar associations submit a list of approved names to the Governor, and out of this he selects one name. Then after a period of years the public votes as to whether or not they want to retain the judge. In other words, they do not make him compete with an actual opponent, but simply place his record before the people for approval or disapproval.

As you suggest, civil service might avoid a certain amount of patronage, but frankly, I do not believe that you would ever be able to build up a civil service list of lawyers for judges' positions, because of the peculiarities in the profession itself. Although there have been some very bad appointments undoubtedly from time to time, I do not personally believe that a civil service roster would alter this very much. Most lawyers, because of their educational training, could pass an examination, but there are many who would not have administrative ability, which is very essential to the administration of justice. Under the circumstances, it seems to me that we must look at judges more in the light of high administrative offices which followers of civil service system believe should be appointed.



Mrs. Donald C. Brandvold

-2-

December 30, 1942

Some people have suggested that bar associations themselves make the appointment, but I believe that Judge Loring has in mind a practical aspect. In other words, what we want is an improvement in the system of selection of judges and tenure for judges, but it is better to make a small step of improvement which seems possible to gain than to try and set up at once an ideal system, which at this stage of the proceedings the general public would not approve.

Your letter is appreciated in that it brings to mind that we should be thinking of this problem, and I shall contact Judge Loring and endeavor to obtain some additional information on his plan and suggest it to you. I would be glad to have any suggestions that you may have to make in reply to this letter. It may be that we all are a little patronage minded when it affects us personally. I say this without any interest of myself, but rather with respect to lawyers generally.

Yours very truly,

CFL/er

Charlotte F. Luwe  
(Mrs. W. R.)

Minnesota League of Women Voters  
84 South Tenth Street, Room 515  
Minneapolis 2, Minnesota

FILE COPY

January 2, 1945

### C I V I L   S E R V I C E

Do not make the mistake of thinking the fight was won on this front with the passage of the Civil Service Law. Be constantly on the watch for newspaper reports regarding amendments which would cripple this law. The provision which calls for the selection of the Director of Civil Service by a nation-wide civil service examination has been widely hailed by the exponents of Civil Service. It is rumored that an attempt will be made to have this office filled by political appointment. This, and similar appointments in the other upper governmental positions, would undermine the entire structure of the Civil Service law. The following article from the magazine "The Minnesota State Employee" for December, 1944, conveys a timely warning and admonition:

"Rumor has it that under the guise of improving state service, certain amendments to the state Civil Service law will be offered the incoming legislature. One of these amendments is to take higher positions, such as division heads, out of the classified civil service. If this move is successful, it would, of course, greatly weaken the civil service and mean a return to the spoils system which the people of this state declared themselves against on more than one occasion since 1939.

"There can be no other reason for taking these positions out of civil service than to give certain politicians more jobs to pass around so that they may entrench themselves in power.

"If such an amendment is adopted by the legislature it will mean the end of efficiency in state service and the civil service law, for it would take away any chance for promotion and stability of employment. Under such conditions, it would not be possible for the state to employ efficient personnel which could do better in private industry. Remove stability in employment and opportunity to advance and you drive efficient employees away from public service. The result is waste and inefficiency, lowering of the standard of service to which the public is entitled and increased governmental costs.

January 2, 1945

"Every supporter of Civil Service and efficiency in government must be on guard and make himself heard in no unmistakable terms when such amendments to the state Civil Service law are offered our legislature. Our state must not return to the spoils system!"



SUMMARY OF BILLS PERTINENT TO CIVIL SERVICE  
INTRODUCED IN THE LEGISLATURE  
THROUGH MARCH 6, 1947

H.F. No.	S.F. No.	
5	95	Provides for a pay rate adjustment every three months based on changes in the cost-of-living index published by the Bureau of Labor Statistics. The plan does not amend the basic salary plan now in effect, but proposes changes in the amount and method of application of an economic salary adjustment to rise and fall with the cost of living. The scale for the adjustments is graduated and gives employees in the lower ranges a greater number of economic increases than those in higher ranges.
20	23	A salary plan providing for a retroactive adjustment in economic salary increases to July 1, 1946, using the present 10-point scale for economic increases. The only change from the present plan in this respect is the retroactive feature and the provision that the investigation and the resulting adjustment should be made every six months. The bill reduces the number of ranges in the salary plan from 34 to 30 by cutting off the four lowest ranges. It provides for the maximum salary of the range for each employee who has been in the classified service for five years.
	24	An employee in excess of the maximum of the range for his class shall continue to receive a salary at least equal to the salary he received January 1, 1947. This bill would perpetuate the war salary adjustment for employees above the maximum of their ranges which under the present law expired February 28, 1947.
272	120	Essentially the salary plan now in effect as it was originally introduced during the 1945 session proposing economic salary adjustments in line with cost of living increases as well as decreases. The scale for economic adjustments has been changed from a ten-point scale to a nine-point one. This bill would provide three additional economic adjustment steps for all employees as of July 1, 1947. It also makes possible merit increases above the maximum of the ranges for deserving employees who have had a certain number of years of state service and have been at the maximum of the range for certain specified lengths of time.
113	93	Providing that one member of the Civil Service Board shall, because of his background, training, and experience, be qualified to represent the interests of state employees.

H.F. No.	S.F. No.	
273	22	Amends the civil service law by striking out "for more than 30 days" in the provisions in regard to disciplinary actions. With this amendment any employee with permanent status who is suspended for any length of time would have a right to a hearing. The law would also be changed by this bill to read, "In case of disapproval, the board shall reinstate the employee and <u>shall</u> order full pay for lost time." At the present time the Board has discretion in this regard as the provisions of the law read "may order full pay for lost time."
417	255	Establishes a 40-hour maximum work week and an eight-hour maximum work day for state employees, and provides for time and a half for overtime for employees required to work beyond the work day or work week provided for in the bill.
261	304	Provides that civil service employees of the state, counties, villages or towns upon application shall be given a leave of absence to run for public office upon expiration of such leave of absence and shall be restored to the status and the positions they last held.
386	701	Provides for the termination of the suspension period described in Laws 1945, Chapter 585, on June 1, 1947. (The suspension period expires under the present law on June 30, 1947, six months following the President's declaration of the cessation of hostilities in the present war.)
450	370	Amends Minnesota Statutes 1945, Section 43.12, Subdivision 3, relating to allocation appeals by adding that "Any employee appealing to the board shall be given a hearing before the board."
451	701	Repeals Section 43.11 of the Civil Service Act pertaining to temporary employment in the classified service. (This section has been interpreted to apply only to the installation period of Civil Service immediately following April 22, 1939.)
493	415	Relates to Civil Service for county officers and employees in counties having a population in excess of 150,000 and an area of more than 5,000 square miles. It extends veterans' preference to soldiers, sailors, nurses, marines, members of the Women's Army Corps and members of the Merchant Marine in World War II.

H.F. No.	S.F. No.
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| 438 | 568 | Changes the veterans preference provisions of the present law and provides for a certification of one name rather than three. Names of all disabled (10%) veterans are to be placed on the top of lists with those of all non-disabled (5%) veterans following. Names of all veterans are placed ahead of non-veterans; therefore, only after all veterans are appointed from the lists can non-veterans be employed by the state. It also provides that the probationary period provisions of the law shall not apply to veterans. |
| 672 | 369 | Provides that no employee who is transferred or promoted from one position to another in the classified service shall be dismissed, demoted or transferred without his consent until he has served a trial period of at least 30 days in his new position.  |
| 673 |     | Relates to the selection of the Director of Civil Service. He is to be appointed by the Governor rather than by the Civil Service Board from an eligible list established as a result of nationwide examination. The bill provides that the Director shall hold office for a term of three years.   |
| 794 |     | A bill to put employees of the Grain Inspection Division of the Railroad and Warehouse Commission in the unclassified service.  |
|     | 682 | The bill provides that persons appointed during the suspension period whose names were taken from eligible lists established prior to the enactment of Laws 1945, Chapter 585, or from any promotional lists heretofore established shall have permanent status.  |
|     | 700 | Amends the Civil Service Law, Section 43.06, by adding a new subdivision relating to duties of the Board which provides that the Board shall "conduct hearings upon complaints or petitions of employees or employing officers affected or concerned with the allocation or re-allocation of positions to different classes, grades or groups."   |



FILE COPY

May 16, 1947

B. Sumner

A CIVIL SERVICE system was established in Minnesota in 1939. The Conference Committee report on HF 601 (Civil Service Bill) was accepted by the House and Senate on Tuesday, April 18, 1939, the last day on which Bills might be passed in that session.

The Minnesota League worked for Civil Service in Minnesota from 1933 on.

Some of the comments at that time were:

Harold L. Henderson, then Executive Director Minn. Inst. of Govt. Research:

"On many occasions during the past few years we have given unqualified credit to the League of Women Voters for their support of many legislative bills having to do with more effective and economical government. It is our judgment that the present civil service law is practically the sole responsibility of many women representing the league. Without a merit system at the State Capitol it would be a mere waste of time and energy to attempt to raise the administrative efficiency of our state government. Citizens interested in saving hundreds of thousands of tax dollars each year need only to thank the League of Women Voters for this result."

Harold E. Stassen, attorney and then Gov. of Minn:

"The League has performed an outstanding service in constructive interest in good government in Minnesota."

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Since then the League has kept a watchful eye on Civil Service in each legislative session, always opposing any legislation which in its opinion might undermine the Civil Service system.

This year the only civil service amendment the League opposed was the following:

HOUSE FILE 113. Authors: Iverson, Chilgren, Swanstrom, Enestvedt, Sheran.

SENATE FILE 93. Authors: Carr, Vukelich, Julkowski.

This Bill provided that one member of the Civil Service Board should be a representative of state employees. The League opposed the principle of such legislation on the grounds that the Civil Service Board should represent all the people of Minnesota, not special interest groups.

FILE COPY

Minnesota League of Women Voters  
832 Lumber  
MINNEAPOLIS 1, MINNESOTA

SUMMARY OF BILLS PERTINENT TO CIVIL SERVICE  
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*League  
opposed*

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**THE MINNESOTA**

*Cost-of-Living  
Pay Plan*

by

**ROBERT D. STOVER**

Reprint from  
PUBLIC PERSONNEL REVIEW  
July, 1948

# The Minnesota Cost-of-Living Pay Plan . . . . .

ROBERT D. STOVER

THERE HAVE BEEN many arguments among public personnel administrators as to the relative merits of a cost-of-living salary plan as compared to the type of plan that does not vary automatically with living costs, but is adjusted periodically following surveys of pay rates for like work within the same labor market. It is not within the province of this discussion to pursue the validity of these arguments, but rather to describe the operation of the Minnesota cost-of-living plan and the factors leading to its development and installation.

## *Limitations of the Original Pay Plan*

WHEN THE Minnesota civil service act was passed in 1939, the legislature reserved for itself the right to act finally on the pay plan to be developed by the new civil service department. The plan developed by the department was approved by the 1941 session of the legislature, but no provision was made for amendments to the plan in the two-year period between sessions. To meet emergency conditions arising from the war it was necessary for the Civil Service Board to adopt a "compensation policy" which was in effect a "bonus" applicable to the first \$200 of an employee's monthly salary. This was subsequently approved by the 1943 legislature and was increased slightly. This legislative action effectively closed the door on future changes in the "compensation policy" by the board. Although the 1943 session corrected the pay plan situation to the extent of authorizing changes necessary to correct inequities and inequalities in the plan, it did not make any provision for major re-

visions to reflect over-all changes of rates in the labor market.

The inelasticity of the pay plan became more evident and serious in 1943 because of increasing pay rates in private industry, the rising cost of living, and the serious manpower shortages occasioned by the war emergency. In 1944 the situation became so acute that a decision was made to conduct a comprehensive salary survey so that an up-to-date pay plan might be submitted to the 1945 legislative session. Public Administration Service of Chicago was employed to conduct this survey. The first requirement, of course, was the development of a sound, well-integrated plan based on current rates paid in private industry and other governmental jurisdictions. The second requirement was that some method be developed whereby a sufficient degree of elasticity could be provided so that the plan might be kept up to date in a time of rapidly changing economic conditions. A plan meeting these requirements was finally evolved through the joint efforts of the Public Administration Service staff and the staff of the Civil Service Department.

## *Development of a New Pay Plan*

AT THE OUTSET it was recognized that once a current salary plan was established, the statutes provided ample means for correction of inequities and inequalities in pay arising from changing conditions affecting individual classes of positions. A major problem, therefore, appeared to be one of providing a means of adjusting the entire pay structure to sweeping changes in over-all economic conditions. It was agreed that whatever plan was developed should provide safeguards against the fear that salaries would be permanently fixed at abnormally high levels, while at the same time it also established a reasonable "floor"

• ROBERT D. STOVER is Director, Minnesota State Civil Service Department. He was formerly a member of the staff of Public Administration Service, Chicago, and prior to that was a staff member of the Indiana State Personnel Division.



at a point where over-all changing conditions would not further reduce the salary structure.

After considering various ways by which this over-all elasticity could be secured, it was decided that the most feasible method involved the use of an automatic adjustment based on a cost-of-living index. Realizing that one of the faults of a majority of cost-of-living plans has been their complexity, every effort was made to devise a plan which would be simple and practical, but effective.

As the plan was first conceived, it should consist of a number of basic salary ranges, each of which would divide into five equal steps. This would constitute the floor of the plan. The economic adjustment could then be effected by adding steps to the basic minimum and basic maximum of each range as necessary to meet changes in cost of living. The effect of this would be to create new adjusted ranges which would correspond to increased living costs.

It was determined that the cost-of-living index published by the United States Bureau of Labor Statistics (now known as the Consumer's Price Index) would constitute the guide for changes in cost of living. This is based on an index of 100 for the years 1935-39, and it was concluded after careful study that the basic ranges proposed for the new pay plan should be representative of that period.

The question was "How could the basic ranges be determined and how could the proper step adjustment be determined?" Fortunately, the salary data obtained by Public Administration Service in 1939, when the original pay plan was prepared, were available for study. By comparing these data with the data gathered in the 1944 study it was possible to determine the general increase in the salary rates for certain selected classes. The basic salaries, therefore, were set as nearly as possible according to 1939 levels. The survey indicated a general rise in rates of about 15 per cent, although the cost-of-living index had risen some 23 points. It was assumed that the application of the "Little Steel Formula" had been responsible to some extent at

least for the difference between the rise in salaries and the rise in living costs during this period.

On this basis forty basic salary ranges were proposed, each having five steps. Under the plan there were four ranges divided into \$5.00 steps, eight divided into \$6.00 steps, six into \$8.00 steps, five into \$10.00 steps, seven into \$12.00 steps, five into \$14.00 steps, and five into \$16.00 steps. The addition of three steps to the basic minimum and maximum of each range resulted in an adjustment which varied from approximately 17 per cent at the lower end of the scale to about 9 per cent in the upper brackets, with an approximate 15 per cent adjustment in the middle ranges. By using this adjustment, therefore, a basic range of \$90 to \$115 became in effect a new range of \$105 to \$130, and a range of \$450 to \$530 was adjusted to \$498 to \$578.

#### *The Adjustment Formula*

THE NEXT PROBLEM was to work out a formula on which an automatic adjustment might be based. This was done more or less arbitrarily by providing that a one-step adjustment would be made when the cost-of-living index stood between 100 and 110; two steps would be added when the index was between 110 and 120; and three steps would be added when the index reached 120 and not more than 130. Additional step-adjustments were proposed to accompany each ten-point increase in the index. The January index was selected as the index on which the adjustment should be based each year, with July 1 used as the effective date for putting the adjustment into effect. The primary reason for using the January index was that information as to the required adjustment would be available in legislative years in time to permit the legislature to make the necessary appropriations, thereby leaving only the one year between sessions to be handled by estimates. July 1 was selected as the effective date to correspond with the beginning of the state's fiscal year.

When this over-all structure had been developed, the various classes in the classification plan were assigned to the appro-

priate salary ranges by use of a factor comparison method of job rating. About twenty key classes were selected which were representative of all the factors to be considered and which were supported by adequate and consistent pay data. Each key class was assigned a point value based on the pay data, each point representing one dollar. The point value for each key class was divided or "spread" among the individual factors on the basis of each factor's relative importance to the particular kind of work. Each class in the classification plan was then rated, factor by factor, with relation to the key classes. The rating was done by staff members of the Civil Service Department and Public Administration Service. The plan as submitted to the legislature, then, consisted of 40 basic salary ranges. It provided that the classes in the classification plan should be assigned to the ranges by the Civil Service Department, and proposed a method for adjusted salaries of state employees to meet changing living costs.

In the course of the legislative process some rather drastic changes were made in the proposed plan. The principle of the basic range was accepted, but the lowest two and highest four ranges were eliminated, making necessary the reassignment of classes within a plan with less "spread" from top to bottom. The original proposal for the economic adjustment provided for movement both upward and downward to meet changing conditions. As adopted, the plan provided only for downward movement. The adopted plan also provided for an additional one-step economic adjustment to the ten lowest ranges whenever the cost-of-living index exceeds 100.

#### *Review of the Plan in Operation*

DURING THE INTERIM between April, 1945, and the beginning of the legislative session in January, 1947, several trends affecting the salary structure became evident. As previously pointed out, the reduction in the number of proposed ranges resulted in compression of the total range of pay in the state service. In order to meet realistically competitive conditions as far as pos-

sible, virtually all of the compression in the total salary plan had been absorbed in approximately the top third of the salary ranges. As wage and price controls relaxed and manpower shortages continued, the difficulty of recruiting and retaining employees increased.

Checks revealed that the lower and middle ranges reasonably reflected current conditions, although some increase appeared warranted. The major problem here appeared to be shortages of potential employees in fields requiring some degree of previous training and in which industrial expansion was under way. A more serious condition existed in the higher salary groups, where the compression of the total salary range resulted in increasing turnover and where virtual inability to employ at established salary rates presented a serious problem in maintenance of adequate state services. Cases of individual classes where inequities and inequalities existed were corrected, but the ceiling of the salary plan prevented any mass movement of the classes in the top third of the ranges if proper internal relationships were to be maintained.

Detailed analysis of cost-of-living data and of salary data for key classes collected late in 1946 indicated that adjustments based on nine-point changes in the cost-of-living index, rather than ten-point changes, would more nearly reflect true conditions. This appeared to be due in part to an underestimation of the effect of wage control and "hold the line" policies on the relationship of salaries in private industry and governmental agencies with cost of living. It was evident also that removal of price controls and relaxation of rent controls coupled with a restricted supply of goods, presented a possibility of changes in cost of living which potentially could seriously affect the state service.

#### *Revision Based on Experience*

ON THE BASIS of experience and data collected during this period, it was decided to develop detailed material for consideration by the legislature in correcting defects in the plan. Alternative plans were pre-

pared for relief of the compression in the higher ranges by the addition of varying numbers of new ranges. A plan was also developed to adjust the basic structure and the economic step adjustment to reflect more accurately cost-of-living changes. Each plan was supported by material to show the extent to which it would meet the needs of the service and the cost of effecting the changes.

The 1945 plan, as revised during the 1947 legislative session, gave recognition to the experience during the one and one-half years of operation. The basic structure was liberalized by deleting the lowest range and adding five ranges at the top of the plan. It was understood that all classes would be moved up at least one range and that the compression would be relieved by utilizing the added salary ranges to permit reassignment of the higher range classes. The economic adjustment plan was revised by gearing the step adjustments to a nine-point rather than a ten-point change in the cost-of-living index and by authorizing automatic adjustment upward as well as downward. Funds were appropriated to make these major changes effective beginning July 1, 1947.

The 1947 revision of the economic adjustment based on the cost-of-living index proved to be a matter of major importance. The index used under both the 1945 and 1947 statutes is the average of the indices for Minnesota cities for the month of January. In effect this is limited to the index for Minneapolis, since that is the only Minnesota city regularly surveyed. Since the legislature convenes in January of the odd numbered years, the only time an economic adjustment would be made without the possibility of legislative consideration would be in the even numbered years.

The all-item index for Minneapolis for January, 1945, was 123.3 and this was recognized by the legislature in establishing the 1945 economic adjustment. The increase to 126.3 in January of 1946 was sufficient to warrant a change in the economic adjustment. During 1947, beginning in July, the cost of living advanced substantially, reaching 148.2 in January, 1947.

This represented a sufficient increase to warrant a two-step adjustment under the 1945 plan or a three-step adjustment under the 1947 plan.

Under conditions as they existed during this period, the lack of authority to revise the economic adjustment upward had no adverse effect since the legislature could have acted to meet the only necessary change at the 1947 session. The fact that so sweeping a change could occur in such a short period of time, however, tended to direct thinking toward the necessity for sufficient flexibility to meet changes between legislative sessions.

The importance of the 1947 authority to revise the economic adjustment upward as well as downward became evident as the cost of living continued to increase. In December, 1947, the Minneapolis index reached 166.2. Since the Bureau of Labor Statistics had revised its procedures to provide only quarterly indices for Minneapolis, the December index was accepted as the index nearest in time to the January index specified by statute to serve as the basis for changes in the economic adjustment. For the first time the automatic adjustment provisions became operative. The Director of Civil Service certified that the changes in the cost-of-living index warranted a two-step adjustment to all salary ranges. The Commissioner of Administration certified that sufficient funds were available to finance the additional adjustment. These certifications were filed with the Secretary of State, and the adjustment automatically becomes effective July 1, 1948.

The effect of the legislative adjustment in 1947 and the automatic adjustment which becomes effective July 1, 1948, is set forth in the accompanying table. For purposes of illustration, the table shows a sampling of the low, intermediate, and high basic pay ranges under the plan as it is now constituted, together with the successive upward adjustments under the cost-of-living feature of the plan.

#### *Does the Current Pay Plan Work?*

SINCE THE revised plan was adopted in 1947, considerable study has been directed

TABLE SHOWING OPERATION OF ECONOMIC ADJUSTMENT FEATURE OF MINNESOTA PAY PLAN ON A SELECTED SAMPLING OF BASIC SALARY RANGES

Basic Salary Ranges	Adjusted Salary Ranges				Number of Adjustment Steps			
	7/1/45 to 6/30/47	7/1/47 to 6/30/48	Effective on 7/1/48		Amount of Salary Step	7/1/45 to 6/30/47	7/1/47 to 6/30/48	Effective on 7/1/48
Range 1	\$ 95-120	\$115-140	\$130-155	\$140-165	\$ 5	4	7	9
Range 2	100-130	124-154	142-172	154-184	6	4	7	9
Range 9	135-165	159-189	177-207	189-219	6	4	7	9
Range 10	140-180	164-204	188-228	204-244	8	3	6	8
Range 15	190-230	214-254	238-278	254-294	8	3	6	8
Range 16	200-250	230-280	260-310	280-330	10	3	6	8
Range 20	240-290	270-320	300-350	320-370	10	3	6	8
Range 21	250-310	286-346	322-382	346-406	12	3	6	8
Range 27	340-400	376-436	412-472	436-496	12	3	6	8
Range 28	350-420	392-462	434-504	462-532	14	3	6	8
Range 32	430-500	472-542	514-584	542-612	14	3	6	8
Range 33	450-530	498-578	546-626	578-658	16	3	6	8
Range 38*	575-655	—	671-751	703-783	16	—	6	8

\* This range was not included in original plan.

toward determination of its adequacy in operation. Pay data secured from surveys conducted by various Minnesota industries and revised salary and "bonus" plans from other governmental jurisdictions were carefully checked against Minnesota key classes. Particular attention was given to the question as to whether the plan provided salary rates reasonably comparable to those in private industry and other governmental jurisdictions. Conclusions based on this continuing study are of considerable interest in view of the extensive changes in cost of living and in salaries during 1947 and early 1948.

Although the anticipated lag between economic adjustment periods occurred, the July 1, 1948, Minnesota adjusted salaries appear to reflect adequately the most recent current pay changes in Minnesota private industry and in other governmental agencies. It appears to have avoided the disturbance of internal relationships within the pay structure which have occurred in some plans where "flat across the board" cost-of-living or "bonus" adjustment, applied to a basic salary, appear to have developed internal inconsistencies, inequities, and inequalities. At the same time, inasmuch as the percentage of adjust-

ment is relatively the same in the upper brackets as it is in the lower brackets, the current plan avoids the compression which occurs where adjustments are restricted to certain lower salary rates.

Unrestricted use of the authority to change salary ranges for specific classes where unusual conditions have resulted in inequalities and inequities has at no time been challenged and has contributed to keeping the plan current. The July 1, 1948, change, occurring between legislative sessions when changes otherwise would have been impossible, indicates that the original requirements of flexibility and current salary comparability have been met by the present pay plan.

The plan as it now exists has been exceptionally well received by legislative members, administrative officials, employees, and employee representatives. Part of this may be due to the simplicity of the explanation and operation of the plan, and the elimination of the twin fears, freezing salaries at high levels and inability to meet current conditions. The real reason, more probably, is that the plan now works under actual operating conditions. No recommendations for change in the plan are contemplated at this time.





October, 1948

#### WHAT IS VETERANS' PREFERENCE?

Veterans' preference is a legal right granted to veterans favoring them in appointment to government positions.

#### HOW DOES VETERANS' PREFERENCE OPERATE?

Veterans' preference in Minnesota has its legal foundation in two separate divisions of the law, as follows:

- 1) The Civil Service Act, Chapter 43 of Minnesota Statutes 1945, section 43.30, as amended by Chapter 395, Session Laws of Minnesota for 1947, prescribes the way in which Veterans' Preference shall be applied in the Classified Service of the State Department of Civil Service.

Note: In the St. Louis County Civil Service Department, Veterans' Preference is applied in much the same way as in the Classified Service of the State Civil Service Department.

As prescribed by the Civil Service Act, some of the features running counter to the merit principle are as follows:

- a) Veterans are entitled to extra points in their examination scores whether or not they earn a passing grade (70%).
- b) The non-disabled veteran is given an advantage of five extra points. He then is placed on the eligible list according to his augmented score. The same advantage is extended to the widows of non-disabled veterans.
- c) The disabled veteran, the widow of a disabled veteran, and the wife of an incapacitated disabled veteran are given an advantage of ten extra points. Thus a disabled veteran who fails an examination with a score of 60% is brought up to a passing grade of 70%. Then he receives an ABSOLUTE PREFERENCE, i.e., his name is placed on the eligible list ahead of all others.
- d) Veterans' Preference is applied in the same manner to PROMOTIONAL as well as to ENTRANCE examinations.

Note: It is generally considered especially poor personnel practice to apply preference to promotional examinations; it makes for poor morale on the part of the non-veterans because their chances for promotion are very slight.

- 2) General Veterans' Preference Law: Sections 197.45-.48 of Minnesota Statutes, 1945, determines how Veterans' Preference shall be applied in: the Unclassified Service of the State Government; the County Welfare Merit Systems; and the Civil Service Departments of Ramsey County, Duluth, St. Paul and Minneapolis.

As prescribed by the General Veterans' Preference Law, veterans, their widows, and the wives of disabled veterans must receive a passing score of 70% in order to be considered for preference. If, however, they do make a passing grade they then receive ABSOLUTE PREFERENCE, i.e., their name is placed at the head of the eligible list. This applies to both entrance and promotional examinations.

Note: The disabled veteran does not receive any preference over the non-disabled.

League of Women Voters of Minnesota  
84 South 10th Street, Room 417  
Minneapolis, Minnesota  
October, 1948

*File  
dup*

### Veteran's Preference in Minnesota

#### Why Do We Have a Merit System?

Government, like private business, needs competent personnel to do a good job. The League has long fought for the merit system on all levels of government because a large portion of government expense goes to pay personal service costs which in turn come from public tax funds. A well functioning merit system cuts down spoils and means greater tax savings through greater efficiency in public service.

#### Veterans' Preference is Opposed to Merit System

The principle of the merit system requires the selection and promotion of public employees solely on the basis of fitness. Veteran's Preference, because it requires that preference be given to a special class, is contrary to the merit principle.

#### Community Owes Limited Preference to Veterans

While the fact is generally accepted that the community owes assistance to the veteran in re-establishing himself in civilian life, the League of Women Voters believes that Veterans' Preference in Civil Service should be applied so as to cause the least harm to the merit system and so as not to discourage capable non-veterans from seeking government service.

Since the number of veterans in private employ far exceeds those in government employ a well functioning merit system benefits the majority of veterans as it does all taxpayers.

#### How Does Veterans' Preference Operate?

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As prescribed by the Civil Service Act, some of the features running counter to the merit principle are as follows:

a) Veterans are entitled to extra points in their examination scores whether or not they earn a passing grade (70%).

b) The non-disabled veteran is given an advantage of five extra points. This same advantage is extended to the widows of non-disabled veterans.

c) The disabled veteran, the widow of a disabled veteran and the wife of an incapacitated disabled veteran are given an advantage of 10 extra

points. Thus a disabled veteran who fails an examination with a score of 60% is brought up to a passing grade of 70%. Then he receives an ABSOLUTE PREFERENCE i.e. his name is placed on the eligible list ahead of all others.

d) Veterans' Preference is applied to PROMOTIONAL as well as to entrance examinations.

Note: It is generally considered especially poor personnel practice to apply preference to promotional examinations; it makes for poor morale on the part of the non-veterans because their chances for promotion are very slight.

2) General Veterans' Preference Law: Sections 197.45-.48 of Minnesota Statutes, 1945, determines how Veterans' Preference shall be applied in: the Unclassified Service of the State Government; the County Welfare Merit Systems; and the Civil Service Departments of Ramsey County, Duluth, St. Paul and Minneapolis.

As prescribed by the General Veterans' Preference Law veterans, their widows and the wives of disabled veterans must receive a passing score of 70% in order to be considered for preference. If, however they do make a passing grade they then receive ABSOLUTE PREFERENCE i.e. their name is placed at the head of the eligible list. This applies to both entrance and promotional examination.

Note: The disabled veteran does not receive any preference over the non-disabled.

#### What Constitutes a Fair Veterans' Preference?

A report submitted August 4, 1944 to the Executive Council of the Civil Service Assembly of the United States and Canada by its Committee on Veteran Employment Policies contained a list of 18 recommendations from which the following six are taken:

- 1) Veterans should be required to pass an examination before receiving preference consideration.
- 2) Preference should not be applied to promotional examinations.
- 3) Veterans should be entitled to preference which takes the form of extra credit points added to the earned examination rating.
- 4) Absolute preference should not be used. A veteran should take his place on the eligible list according to his augmented score.
- 5) Non-disabled veterans should receive five points on the basis of 100. Disabled veterans should receive not more than ten points.
- 6) Preference for veterans should be limited to a five year period after the war or five years after discharge or release from war service, whichever date is later.

For a more expanded treatment of Veterans' Preference see: "Veterans' Preference in Minnesota", publication No. 4, Minnesota Legislative Research Committee.



(Talk given by Mrs. T. O. Everson, December 9, 1948, at Legislative Luncheon for members of Hennepin County delegation, sponsored by League of Women Voters of Minn.)

## CIVIL SERVICE

Civil Service is one of the continuing items on our State League program in which Minneapolis is very much interested.

Minnesota, as you all know, has two Veterans' Preference Laws. The one which applies to state employees gives a 5 and 10 point preference, but a veteran does not have to get a passing grade in order to obtain this preference. Thus a disabled veteran who fails an examination with a score of 60% is brought up to a passing grade of 70% by claiming his 10 point preference. Then the disabled veteran receives an Absolute Preference and his name is placed on the eligible list ahead of all others. The non-disabled veteran with a score of 65% can claim his 5 point preference and thus his score is brought up to the passing grade of 70%; his name is then placed on the eligible list above non-veterans having the same grade.

Duluth, St. Paul and Minneapolis have Absolute Preference but veterans must first attain a passing grade of 70%; then disabled and non-disabled veterans both go to the top of the list. Thus in Minneapolis where the rule of one is used a veteran with a passing grade of 70% is certified over a non-veteran even though the non-veteran might have a perfect score of 100%. Both state laws give preference in Promotional as well as Entrance examinations.

Because of our interest in Civil Service the Minneapolis League has official visitors attending the meetings of the Minneapolis Civil Service Commission. Reports turned in by these visitors tend to show that non-veterans in the service of the city do not have much chance for advancement if there are veterans working in the same department. There have been several instances in the past couple of years where exceptionally well qualified non-veterans who were eligible for promotion were by-passed because veterans were competing. This has been especially noticeable in the police and fire departments.

Because department heads on both state and local levels feel that with veterans' preference the best men are not always certified, they try to circumvent the preference law; sometimes they just don't bother to fill a vacancy while there are veterans at the top of the eligible list whom they feel are not the best qualified men for the position. This practice works a hardship on the other employees in the department who have to take on the extra work, and if a position is left vacant too long it can lead to inefficiency in the department. Examples which can be cited are: the position of assistant in the city purchasing department has not been filled for several years; the position of first assistant city attorney for Minneapolis has been vacant for over a year because the city attorney feels that veterans' preference should not apply to this position. An opinion from the state Attorney General said it did. So the question is now being decided by the courts. In order to obtain the services of well qualified non-veterans, department heads often ask to have these men waived. Too many waivers can undermine any good merit system. Examples have been given on the local level because we are more familiar with the local situation. I'm sure that comparable ones could be cited on the state level.



Because conditions like these have arisen, the League feels that there should be some modification of veterans' preference on both state and local levels. We believe that veterans' preference in civil service should be applied so as to cause the least harm to the merit system and so as not to discourage capable non-veterans from seeking government service. Since the number of veterans in private employment far exceeds those in government service, a well functioning merit system benefits the majority of veterans as it does all taxpayers. Our thinking on modification would follow along the line of the following recommendations submitted to the Executive Council of the Civil Service Assembly of the U.S. and Canada by the Committee on Veteran Employment Policies:

1. Veterans should be required to pass an examination before receiving preference consideration.
2. Preference should not be applied to promotional examinations.
3. Veterans should be entitled to preference which takes the form of extra credit points added to the earned examination rating.
4. Absolute preference should not be used. A veteran should take his place on the eligible list according to his augmented score.
5. Non-disabled veterans should receive 5 points on the basis of 100%. Disabled veterans should receive not more than 10 points.
6. A time limit should be set for termination of veterans' preference.

H.F.268

Introduced by H. R. Anderson,  
Hartle, Vern Johnson, Day, Luther.  
Referred to Committee on Civil  
Administration.

FILE COPY

A BILL

FOR AN ACT RELATING TO PREFERENCE FOR VETERANS IN PUBLIC  
EMPLOYMENT; AMENDING MINNESOTA STATUTES 1949, SECTION  
197.45, SUBDIVISIONS 2 AND 3, SECTIONS 43.30, 197.46,  
197.47, 197.48; REPEALING MINNESOTA STATUTES 1949, SEC-  
TION 197.45, SUBDIVISION 1.

S.F. 259  
Introduced by Sletvold,  
Johanson, Duff.  
Referred to Committee on  
Civil Administration.

File Copy

League of Women Voters of Minne  
84 South Tenth Street, Room 40  
Minneapolis 2, Minnesota

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

Section 1. Subdivision 1. For the purpose of Minnesota Statutes, Sections  
43.30, 197.45, 197.46, 197.47, 197.48, the terms defined in subdivisions 2 and 3  
shall have the meanings ascribed to them.

Subd. 2. "Veteran" means any person who meets all of the following qualifica-  
tions:

(1) Has served on active duty in any branch of the armed forces of (a) the  
United States during any war or in any campaign or expedition for which a campaign  
badge has been authorized or (b) any government allied with the United States in  
World War I or World War II;

(2) Was honorably discharged from the armed forces in which he served;

(3) Is a citizen of the United States and, if his military service was with an  
allied government, was such citizen at the time of entrance into such service;

(4) Entered military service while a legal resident of Minnesota or has been  
for five years immediately preceding his application for employment preference a  
resident of this state and, if a local position is involved, of the political  
subdivision to which the application is made.

Subd. 3. "Disabled veteran" means a veteran who is rated or certified as dis-  
abled to the extent of 10% or more by the United States Veterans' Administration or  
by the retirement board of any branch of the armed forces of the United States,  
which disability exists at the time preference is claimed.

disability  
100%

Subd. 4. "Widow of a veteran" means (1) the unmarried widow of a deceased  
veteran or (2) the unmarried widow of any member of the armed forces of the United  
States who died during his period of active service and who, had he not so died,

would have (except for the requirement of discharge or release to inactive duty and the five-year residence requirement) been a veteran.

Sec. 2. Minnesota Statutes 1949, Section 43.30 is amended to read:

43.30 Subdivision 1. In ~~all examinations~~ any examination under this chapter a ~~veterans~~ preference shall be given to ~~soldiers, sailors, nurses, marines, members of Women's Auxiliary Army, Navy, and Marine Corps, and officers of the Military and Naval Forces of the United States, 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 I and World War II 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 to persons who served in the active military or naval service of any government allied with the United States in World War I or World War II, and have been honorably discharged therefrom, and who are citizens of the United States and were such citizens at the time of entrance into such active service, 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. No veteran 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 if such age or physical disability does not render him incompetent to perform the duties of the position.

Subd. 2. ~~Recognizing that~~ Training and experience in the service of the government and loyalty and sacrifice for the government are qualifications of merit which ~~cannot be~~ are not readily ~~discovered~~ discoverable 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 such disabled veteran a passing grade and such~~



~~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 such position.~~ Experience gained in military service shall be properly evaluated and considered in determining the qualifications for positions to which such experience is relevant. A veteran taking an examination may make a claim for preference at any time prior to the examination and this fact shall be made known to the person who reads and marks such examination. If such veteran attains a passing grade in the examination, he shall be given a credit of ten points if he is a disabled veteran and five points otherwise; but no veteran shall receive such credit after he has, following the effective date of this act, received one state permanent appointment, either original entrance or promotion, from an eligible list on which he was allowed the additional credit granted by this section.

*(B. pref used only since)* *(passing grade 10)*

Subd. 3. There shall be added to the examination rating of all veterans a credit of five points, and if such augmented rating gives to such If a veteran entitled to preference receives a passing grade and if such veteran he is able to perform the duties of the position with reasonable efficiency, his name shall be placed on the list of eligibles with the names of other eligible persons in the rank order to which his augmented rating entitles him. The name of When a veteran with such an augmented rating shall be entered ahead of and a non-veteran when their ratings are the same have an equal rating, the name of the veteran shall be entered ahead of the non-veteran.

*(C) no absolute prefer.*

Subd. 4. The records of the department shall show the examination rating and preference credit of each veteran who claims a preference. Such veteran or his representative shall be entitled to examine his own examination papers and the department record of his examination rating and preference credit.

Subd. 5. Such The preference authorized by subdivision 1 to be given to veterans is hereby extended to the widows widow of a deceased veterans veteran



and to the spouse of a disabled veteran, who, because of such disability, is unable to qualify for any state or local government position.

~~Subd. 6. 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 or certified as disabled by the United States Veterans' Administration, or by the retirement boards of the several branches of the armed forces, and which disability is existing at the time preference is claimed.~~

~~In the event of the rejection by the~~ When an appointing officer ~~of the~~ rejects a person ~~so preferred~~ who claims a preference under this section when the name of such person has been certified for promotion or to fill a vacancy or a new position, ~~the appointing officer~~ he shall ~~forthwith~~ file ~~in writing~~ with the director forthwith the reason for ~~such~~ rejection and shall furnish a copy thereof to the person rejected ~~veteran a copy thereof.~~

Sec. 3. Minnesota Statutes 1949, Section 197.45, Subdivision 1, is hereby repealed.

Sec. 4. Minnesota Statutes 1949, Section 197.45, Subdivision 2, is amended to read:

Subd. 2. ~~That in every public department and upon all public works~~ In the this state, ~~of Minnesota and the counties, cities, towns, villages, school districts, and all other political subdivisions and agencies thereof, honorably discharged veterans shall be~~ and in any county, city, town, village, school district, or other political subdivision, or in any agency thereof, any veteran is entitled to preference in appointments, employment, and promotion in the public service over other applicants therefor, ~~and the person thus preferred~~ Any person receiving

such preference shall not be disqualified from holding any such position mentioned on account of his age or ~~by reason of any~~ physical disability, provided unless such age and or disability ~~does not render~~ renders him incompetent to properly perform properly the duties of the position ~~applied for and~~. When such a veteran shall apply applies for appointment or employment under Sections 197.45 and this section and the position is not in the classified service, the officer, board, or person whose duty it is ~~or may be~~, to appoint or employ such a person to fill such position ~~or place~~, shall make an investigation as to the qualifications of the veteran for the position before appointing or employing anyone to fill such the position, ~~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 the veteran is of good moral character, and can properly perform the duties of said the position ~~applied for by him, as hereinbefore provided, said officer, board, or person shall appoint said veteran, he shall be appointed~~ to such position ~~or place of employment~~.

Subd. 3. In When any governmental agency ~~having an~~ has established a 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. 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 veteran shall be entitled, in appointment to a position and in promotion to another position in

the classified service of such agency, to the same preference as is provided by section 43.30 with respect to employees subject to the provisions of Minnesota Statutes, Chapter 43, which preference shall be exercised in the manner provided by section 43.30. Assertion of a claim for preference shall be barred by the prior use of preference points only when the earlier appointment was to a position in the same political subdivision.

Subd. 4. A refusal to allow the preference provided for in this and the next succeeding section and in section 197.46 to any such honorably discharged veteran entitled thereto, or a reduction of his the compensation of a veteran intended to bring about his resignation or discharge, shall entitle such honorably discharged veteran to a right of action therefor for damages as well as a remedy in mandamus in any court of competent jurisdiction for damages, and such officer and the persons responsible for such refusal if such If the refusal was wilful, any person responsible therefor shall be personally liable for damages therefor, and also for a remedy for mandamus for righting the wrong. If the veteran recovers damages in such an action, he is entitled to be reimbursed for reasonable attorney fees, which shall be fixed by the court and shall be deemed a part of the costs to be taxed in such action.

Sec. 5. Minnesota Statutes 1949, Section 197.45, Subdivision 3, is amended to read:

Subd. 3. 5. The widows of deceased veterans and the spouses of disabled veterans who, because of such disability, are unable to qualify, shall have All the rights and privileges given to a veteran by this section or by section 197.46 are hereby given to the widow of any veteran and to the spouse of any disabled veteran who is unable to qualify for any state or local government position.

Sec. 6. Minnesota Statutes 1949, Section 197.46, is amended to read:

197.46 Subdivision 1. Any person whose rights may be in any way prejudiced contrary to any of the provisions provision of this section, shall be is entitled



to a writ of mandamus to remedy the wrong.

Subd. 2. No person veteran holding a position or employment 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 in this state, in any county, city, town, village, school district, or other political subdivision, or in any agency thereof, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon written stated charges, in writing. In all governmental subdivisions having If a governmental subdivision has an established civil service board or commission, or a merit system authority, such hearing for removal or discharge shall be held before such civil service board or merit-system authority. Where no such civil service board or commission or merit-system authority exists, such hearing shall be heard by a board consisting of three persons appointed as follows: one selected by the governmental subdivision, one by the veteran, and the third by the these two so-selected. In the event the two persons so-selected do not appoint If the third person is not selected within ten days after the appointment selection of the last of the first two, then, upon application of one of the persons selected, the senior 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 the 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 first two shall constitute the board.

Subd. 3. The veteran may appeal from the decision of the board upon the charge to the district court by causing from the decision of the board. Within 15 days after the veteran receives notice of the decision he shall cause a 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 notice of appeal shall state the grounds for the appeal. He shall file the original notice of appeal with proof of service thereof ~~in-the-office-of~~ with the clerk of the district court within ten days after service thereof.

Subd. 4. Issues of fact shall be framed upon motion of either party and the trial thereof shall be by jury ~~unless,~~ but a trial by jury may be waived.

Subd. 5. The governmental subdivision or officer alleging incompetency or misconduct has the burden of proving incompetency or misconduct shall not upon the governmental subdivision alleging the same.

Subd. 6. ~~Nothing in~~ Sections 197.45 and 197.46 ~~shall not be construed to do~~ not apply to the position of private secretary, teacher, superintendent of schools, ~~or one~~ chief deputy of ~~any elected official or~~ the head of a department or an elected official, or to any person holding a strictly confidential relation to the appointing officer. The appointing officer has the burden of establishing such relationship shall be upon the appointing officer in all proceedings and actions relating thereto in any proceeding or action.

Subd. 7. All officers, boards, commissions, and employees shall conform to, comply with and aid in all proper ways in carrying into effect the provisions of sections 197.45 and 197.46.

Subd. 8. ~~Any wilful violation of such~~ officer, official, or employee who wilfully violates any provision of sections 197.45 and 197.46 ~~by officers, officials, or employees~~ is guilty of a misdemeanor.

Sec. 7. Minnesota Statutes 1949, Section 197.47, is amended to read:

197.47 ~~The provisions of~~ Sections 197.45 and 197.46, ~~known as the "Veterans' Preference Law", shall apply to and govern~~ any appointment, employment, promotion, ~~and or~~ removal of all employees any employee of the state and ~~of all other~~ any employee of any governmental agencies agency within the state enumerated in said

such sections, notwithstanding any provision to the contrary in any other existing law or in the charter of any city ~~charter-relating-thereto~~.

Sec. 8. Minnesota Statutes 1949, Section 197.48, is amended to read:

197.48 No provision of any subsequent act relating to any such appointment, employment, promotion, or removal referred to in section 197.47 shall be construed as inconsistent ~~herewith-or~~ with any provision of sections 197.45, ~~and~~ 197.46 and 197.47 unless and except only so far as expressly provided in ~~such~~ that subsequent act that the provisions of these sections shall not be applicable or shall be superseded, modified, amended or repealed.

Every city charter provision ~~hereafter-adopted-with-is~~ inconsistent ~~herewith~~ or with any provision of these sections ~~shall-be~~ is void ~~to-the-extent-of-such~~ inconsistency.



January 24, 1949.

Dear Mrs. Hargraves:

There is pending in the Hartford City Council a proposal for putting city employees on a pay plan based on the Bureau of Labor Statistics consumer price index. I have read that the State of Minnesota uses such a salary plan, and that particularly in St. Paul, such a plan has been in operation since 1922. Ours would not be quite the same, in application, but basically it would be the same idea, and we are most anxious to have the opinion of your league as to its value.

The AFL unions in the city departments are now opposing it, although in the beginning they did not appear against it in principle, but merely opposed some of the details. Therefore we should be most interested to know what the city <sup>and state</sup> workers think of it, as well as to have your objective point of view. As the city budget will be before the Council during the next two weeks, I should appreciate a note from you as soon as possible.

Sincerely yours,

Ruth M. Dadourian

Mrs. H.M. Dadourian, Chairman  
Local Affairs Committee

Mrs. Everson  
Br. 0701

January 28, 1949

Mrs. H. M. Dadourian, Chairman  
Local Affairs Committee  
League of Women Voters of Hartford  
720 Main Street  
Hartford, Connecticut

Dear Mrs. Dadourian:

Since Mrs. Hargraves will not be in the office until next week, I have undertaken to answer your letter. Enclosed you will find a pamphlet which describes the state system and two newspaper clippings which have appeared in the Minneapolis papers in the last two days.

A Minnesota bill passed in the 1945 session of the legislature provided for just a downward adjustment. A bill, however, was enacted in the 1947 session which permitted both downward and upward adjustments. The downward adjustment, however, cannot go below the basic salaries. Department heads are not covered by these bills. As a result the two top ranges have not been used because no one can get a higher salary than his department head. The unions are introducing a bill in this session, which, if passed, would move everyone up two ranges. This bill (see clippings) would also provide for upward and downward pay changes for each six points of change in the Bureau of Labor Statistics cost of living index. The present basis of change under the 1947 law is nine points. If this law were passed, it would be much more expensive in inflationary periods.

Both Ramsey County (which includes St. Paul) and St. Paul seem to be well satisfied with the plan. The chairman of the employees' union of St. Paul and Ramsey County indicated that the employees were satisfied. He said that there are drawbacks, but on the whole, it has worked very well.

The chief examiner for St. Paul said that during the depression, the employees accepted their wage cuts graciously; however, the union was not as well organized at that time. Since, the state employees have not experienced any downward salary adjustments, the plan has not been put to a thorough test.

The Minnesota League has never taken an active stand on this legislation, so there is no formal League opinion on this matter.

I hope that this information will be helpful to you.

Very truly yours,

Barbara Stuhler  
Organization Secretary

# LEAGUE OF WOMEN VOTERS OF MINNESOTA

84 SOUTH TENTH STREET, ROOM 417

MINNEAPOLIS 2, MINNESOTA

Atlantic 0941

March 18, 1949

We would like to commend those members of the House Civil Administration Committee who voted in favor of H.F. 742, the Messrs. Bondhus, Flom, Hegstrom, Hill, Lundeen, Metchan and Reed.

The League of Women Voters of Minnesota feels very strongly that the preservation of the merit system without extraordinary preference to any single group is one of the basic tenets of good government.

Our strong adherence to this position does not mean that we do not recognize that the veterans should receive certain benefits as a result of their service in our behalf.

The members of our organization feel that the original form of H.F. 742 amending the veterans preference laws of the state civil service, together with H.F. 1253, would place Minnesota in the forefront of the other states with respect to its civil service laws.

We do support H.F. 742 as amended and strongly urge that this committee recommend it to pass. In view of these amendments, however, we find it somewhat difficult to support H.F. 1253 although we do believe that the avowed purpose to initiate a single standard for civil service throughout the state is commendable. Our difficulty lies in the fact that we see both advantages and disadvantages in the application of the state law as it now stands and as it might be amended by the present form of H.F. 742 to the political subdivisions.

We wish to express our appreciation for your thoughtful consideration of the League's point of view on this measure.

Sincerely,

Mrs. Hiram H. Livingston  
Legislative Chairman



Affiliated with the  
League of Women Voters of the U. S.



March 18, 1949

To the Editor, Minneapolis Star:

The League of Women Voters of Minnesota believes that modified veterans preference should be enacted by this legislature to promote the development of a sound civil service. The members of our organization feel very strongly that the preservation of the merit system without extraordinary preference to any single group is one of the basic tenets of good government. Our adherence to this position does not mean that we do not recognize that the veterans should receive certain benefits as a result of their service in our behalf.

The League has supported H.F. 742, as originally introduced, which provided:

1. A veteran must first obtain a passing grade of 70 before being placed on the eligible list.
2. After the addition of the 5 or 10 points (5-able-bodied, 10-disabled), the veteran will be placed on the list ahead of those persons having the same grade as his augmented score.
3. Preference will be taken out of promotional examinations.

This bill was amended by a sub-committee of the Civil Administration Committee so that the only remaining feature was that preference is taken out of promotional examinations. This provision has been made comparable to that of the federal civil service where the veteran is given credit for each year he served in the armed forces.

There was a tie vote of 7-7 by the whole committee on H.F. 742. The bill will probably come up for another vote this week. The recorded vote was as follows:

Ayes

Bondhus  
Flom  
Hagstrom  
Matchan  
Reed  
Lundeen  
Hill

Nays

Aune  
Dixon  
French  
Johnson, L. A.  
Prifrel  
Rundquist  
Shipka

Not Voting

Biernat  
Carlson  
Croswell  
Ilstrup  
Lee  
Memmer  
Norman  
Otto  
Peterson, P. K.

March 18, 1949

The League, although disappointed at these concessions, believes that the taking away of preference in promotional examinations where an established employee should be judged on his record and on his merits, is important enough to warrant our wholehearted support of H.F. 742.

Sincerely,

Mrs. T. O. Everson  
Chairman, Civil Service Legislation  
League of Women Voters of Minnesota

March 24, 1949

MAR 28 1949

Mrs. T.O. EVERSON, Chairman,  
Civil Service Legislation Committee,  
League of Women Voters,  
84 So. 10th Street  
Minneapolis, Minnesota.

Dear Madam:

Your article on "Veterans Preference" that appeared in Monday evening's Star Journal interested me very much.

It happens that I am a civil service employee with 13 years service. Quite naturally I have a personal interest in this matter.

I heartily agree with you on your stand on Article 1 of H.R. 742, as listed in your writing, but I cannot understand your point of view on the other two articles. A few years hence I probably would have a change of heart.

It is quite evident that you are not a civil service employee nor have you any relative in such employment. Consequently there are some situations about which are you not familiar or not informed about. Please let me explain.

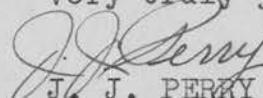
During World War II I spent 54 months in military service, a good portion of that time being overseas. In my absence I was not able to take the examinations that were given and consequently some of my fellow employees were promoted and I was left behind. May I ask you where the jobs are that were to have been held open until the veterans returned? I can tell you where they are, many of them were filled permanently during the veterans absence and now the veterans has little opportunity to catch up with his fellow employees.

After 4 or 5 years in military life a man loses some of his civilian contacts and being away from his chosen field of endeavor loses the practice and experience he would otherwise have gained.

Maybe in five or ten years your stand would be justified. But please give the boys who are taking examinations now a little help to enable them to catch up with those who stayed home and won the nice remunerative promotions.

Your present stand is very unfair and I think you have a selfish interest at heart. Please give us a little advantage to compensate us for the practice and experience lost during our absence.

Very truly yours,



J. J. PERRY  
2539 Madison St. N.E.  
Minneapolis, 18, Minn.



March 29, 1949

Mr. J. J. Perry  
2539 Madison St. N. E.  
Minneapolis 18, Minnesota

Dear Mr. Perry:

I received your letter referring to my article on "Veterans Preference" which appeared in the Star.

As a representative of the Minneapolis League of Women Voters I have attended most of the meetings held by the Minneapolis Civil Service Commission during the past three years, so I feel that I have some background in Civil Service procedure.

I know that because of an opinion handed down by the Attorney General that in the case of promotional lists - a number of such lists were extended during the war years - notices of such extensions were mailed to men in the service and all they had to do in order to be retained on the eligible list was fill out the necessary papers and mail them to the civil service department. Many veterans on such extended lists were certified for promotions on the same date they would have been certified had they been home on the job.

The provisional employment law provided that all vacancies occurring between April 23, 1945 and May 1, 1947 be filled on a temporary basis so that Veterans would have an equal chance to compete for these positions. Examinations have been held the past year by the Minneapolis and State Civil Service Departments to take care of these provisional appointments.

As you know we have two preference laws in Minnesota, one applying to employees in state civil service; the other, to civil service employees in the political sub-divisions of the state.

Minneapolis and other political sub-divisions are under the Absolute Preference law. Employees in the classified service of the state are now granted a 5 and 10 point preference, but they do not have to obtain a passing grade before receiving this preference. Thus, a disabled veteran in the classified service of the state receiving a grade of 60 in examination - using his 10 point preference reaches the required passing grade of 70 and then goes to the top of the list. H.F. 742 applied only to employees in the classified service of the state.

Mr. J. J. Perry

2

March 29, 1949

I'm happy to see that you, along with so many young veterans realize that a passing grade should be attained before preference is granted.

The Minnesota League of Women Voters has long fought for the merit system on all levels of government. I'm sure you as a citizen of the state and a taxpayer realize the advantages of the merit system over the old spoils system of patronage.

Having studied civil service procedures in the state for years, the League believes that you cannot have a well-functioning merit system while you have absolute preference and preference in promotional examinations.

I assure you our only interest is in obtaining an efficient civil service system on all levels of government.

We realize we owe the veterans a great deal for the services rendered to us, but we believe the five and ten point preference on entrance examinations gives them a decided advantage over the non-veteran.

Sincerely yours,

Mrs. T. O. Everson  
Chairman, Civil Service Legislation

1949

## VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT COMMISSION

Appointed pursuant to Chapter 741 of the laws enacted at the 1949 session of the Legislature of the State of Minnesota.

### From the Senate

Senator B. G. Novak of St. Paul  
Senator A. R. Johanson of Wheaton

### From the House

Representative R. H. Illsley of Dundas  
Representative M. K. Hegstrom of St. James

### From the Veterans' Organizations

Mr. George L. Streukens of Wayzata  
representing Veterans of Foreign Wars,  
Mr. Frank Howard of Minneapolis  
representing the Disabled American Veterans,  
Mr. Kenneth Greene\* of Minneapolis  
representing the American Veterans Committee,  
Mr. Desmond B. Hunt of Rochester  
representing the American Legion.

\* In the absence of Mr. Greene, the American Veterans Committee was represented at hearings by other representatives. Mr. Sheldon D. Karlins represented this group in drafting the recommendations submitted herewith.



## CHAPTER 741

AN ACT CREATING AN INTERIM COMMISSION TO MAKE A STUDY OF THE VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT AND CIVIL SERVICE LAWS OF THIS STATE; REQUIRING THE COMMISSION TO MAKE A REPORT COVERING RECOMMENDED AMENDMENTS TO AND REVISIONS OF EXISTING LAWS TO THE NEXT REGULAR SESSION OF THE LEGISLATURE AND APPROPRIATING MONEY THEREFOR.

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

Section 1. Veterans preference in public employment commission. A commission of eight members is created consisting of two members of the House of Representatives appointed by the Speaker of the House, two members of the Senate appointed by the committee on Committees of the Senate and four members from the four major veterans organizations in the state, namely; one member to be selected and appointed by and from within the membership of the American Legion, Department of Minnesota, and likewise one member to represent the Veterans of Foreign Wars, Department of Minnesota, and likewise one member to represent the Disabled American Veterans, Department of Minnesota, and likewise one member to represent the American Veterans Committee, Department of Minnesota. The appointments shall be made forthwith upon passage of this act, or as soon thereafter as the next annual state conventions of such veterans organizations shall confirm such veteran members respectively. The Commission shall be known as the Veterans' Preference in Public Employment Commission. The members of the Commission shall elect one member as chairman thereof.

Sec. 2. Duties of commission. The Commission shall study and consider the laws of this state concerned with veterans' preference in public employment and civil service, with the object of determining a sound policy for this state in matters of veterans' preference in public employment and civil service, and recommending such changes in the laws of this state as may be necessary to give adequate and proper expression to such policy in the best interests of the veterans who are citizens or residents of this state and in the best interests of all the people of this state. The Commission shall make report of its activities and recommendations to the next general session of the Legislature and the report shall be filed with the Secretary of State and a copy mailed to each member of the Legislature, to the Governor and to all veterans' organizations chartered under the laws of this state or known to exist in this state under any federal law, not later than October 1, 1950. If new legislation or amendments to existing laws are recommended, proposed bills for submission thereof to the Legislature shall be included in the report.

Sec. 3. Appointment of others than commission members to subcommittees; limitation. The commission may appoint committees to deal with particular problems or phases of its study made up of citizens of the state, but there will be at least one member of the commission on each committee. The commission and its committees may hold hearings at such times and places as may be convenient for

the purpose of taking evidence and testimony to effectuate the purposes of this act, and for such purposes the commission and its committees may issue subpoenas. In the case of contumacy or refusal to obey a subpoena issued under the authority hereof, the district court of the county where such refusal or contumacy occurred may upon complaint of the commission by its chairman punish as for contempt the person guilty thereof. Witnesses shall be paid the fees and mileage required to be paid to witnesses in civil actions in district court, but fees need not be paid in advance unless so ordered by the commission or by the committee issuing the subpoena.

Sec. 4. Expenses; stationery and supplies. Members of the commission and its committees will serve without pay but shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties. The commission may employ expert clerical and professional aid and assistance; and may purchase stationery and other supplies; and do all things reasonably necessary and convenient in carrying out the purposes of this act.

Sec. 5. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated \$5,000, or so much thereof as may be necessary to pay expenses incurred by the commission. For the payment of such expenses the commission shall draw its warrants upon the state treasurer, which warrants shall be signed by the chairman and at least two other members of the commission, and the state auditor shall then approve and the state treasurer pay such warrants as and when presented. A general summary or a statement of expenses incurred by the commission and paid shall be included with the commission's report.

Approved April 25, 1949.

LETTER OF TRANSMITTAL

To the Honorable Members  
of the 1951 Legislature  
of the State of Minnesota:

In compliance with the authority and directions set forth in Chapter 741 of the Laws of 1949, your Commission on Veterans' Preference in Public Employment has made an extended study of veterans' preference as it applies to the State and the various political subdivisions thereof.

The Commission organized by electing Representative Ralph E. Illsley Chairman, Senator A. R. Johanson Vice Chairman, and George L. Streukens Secretary. In some instances it was not always possible for the designated representative of certain veterans' organizations to attend meetings and thereby represent their group on the Commission. When this occurred, alternates were provided. Those listed as members of the Commission are the original appointees.

The first meeting of the Commission was held at the State Capitol on December 20, 1949. Further meetings and hearings were held on the following dates during 1950:

January 4	April 14-15
January 13-14	May 5
January 27-28	August 31
February 17-18	November 17-18
March 10-11	November 24-25
March 30 and April 1	December 16

At the first meeting the Commission agreed to explore all aspects of veterans' preference as it applies to the State of Minnesota and its political subdivisions. It proceeded on the democratic basis of having meetings open to the public, with the exception of one meeting which was devoted to considering and drafting final recommendations. The Commission invited known interested parties to appear before it to give testimony and discuss veterans' preference problems. In addition, it heard other interested citizens who voluntarily appeared before the Commission.

Heads of all state agencies and representatives from the various veterans' organizations appeared before the Commission. A number of meetings were devoted to providing individual veterans and non-veterans an opportunity to appear before the Commission to discuss veterans' preference. Representatives of municipal personnel agencies, interested members of the Legislature and representatives of other civic groups appeared and testified before the Commission. At the request of the Commission, representatives of the Federal Civil Service appeared and discussed veterans' preference as it applies to employment in the Federal service.



The Commission's recommendations are set forth in the following section of this report. In addition to the specific recommendations, there is presented a draft of a bill which, if enacted, would put these recommendations into effect. It is not intended that this draft of legislation shall be final, as the recommendations may be adopted by law in another form. This bill is presented merely to serve as a starting point and as a guide for enacting the recommendations into law.

The recommendations submitted herewith represent the majority view of the Commission.

#### ACKNOWLEDGMENT

In considering the problem of veterans' preference, the Commission would be derelict in its responsibility if it did not gratefully acknowledge the excellent cooperation and helpful assistance received from the heads of the various state agencies; the various veterans' organizations; individual veterans and non-veterans; members of the Legislature; representatives of municipal personnel agencies; representatives of various civic groups; and representatives of the Federal Civil Service who are not concerned with veterans' preference in Minnesota but gave freely of their time to discuss veterans' preference and related problems with members of the Commission.

## RECOMMENDATIONS

The Commission, after consideration and deliberation, presents the following recommendations pertaining to veterans' preference:

- I. IT IS RECOMMENDED THAT VETERANS' PREFERENCE LAWS, WHEN APPLICABLE, SHALL BE UNIFORM FOR THE STATE AND ITS POLITICAL SUBDIVISIONS.

At the present time there is no uniformity in laws granting veterans' preference. The law covering employment in the state classified service, special laws applicable to certain political subdivisions, and pertinent charter provisions of municipal corporations vary widely. It is unreasonable that provisions with respect to veterans' preference should vary within the same state. Veterans should be accorded uniform treatment by the State and all its political subdivisions.

- II. IT IS RECOMMENDED THAT A PERMANENT, UNIFORM AND EQUITABLE SYSTEM OF EFFICIENCY AND MERIT RATINGS OF ALL EMPLOYEES IN THE CLASSIFIED SERVICE OF THE STATE AND EMPLOYEES OF GOVERNMENTAL SUBDIVISIONS HAVING MERIT SYSTEMS SHALL BE ESTABLISHED AND USED. SUCH EFFICIENCY AND MERIT RATINGS SHALL BE MADE BY THE APPOINTING AUTHORITY AT LEAST SEMI-ANNUALLY. COPIES OF THESE RATINGS SHALL BE GIVEN TO THE EMPLOYEE, AND AN APPEALS PROCEDURE SHALL BE ESTABLISHED.

At the present time there is no formal merit rating of employees in the state classified service, although the granting of merit raises by the appointing authority could be considered an informal method of merit rating. Without a formal system of merit rating, employees may not know wherein they are not properly carrying out the duties of a particular position. Merit ratings, together with knowledge of such ratings by the employee, would make it possible for the employee to correct deficiencies in conduct and/or work resulting in improved employee efficiency. It would provide formalized method for the department head and the employee to discuss performance; serve as a method of informing the employee of the standards of performance expected of him; and provide a permanent record which could be referred to for either promotion, demotion, or lay-off.

- III. IT IS RECOMMENDED THAT A TRANSCRIPT BE MADE OF ALL ORAL EXAMINATIONS; SUCH TRANSCRIPT TO BE MADE PART OF THE PERMANENT OFFICIAL RECORD OF THE APPLICANT AND THE QUESTIONS CONTAINED IN THE ORAL EXAMINATION SHALL BE OCCUPATIONALLY PERTINENT TO THE POSITION FOR WHICH THE APPLICANT IS BEING EXAMINED.

At the present time no transcript of the oral examination is filed, and the only records of this part of the civil service examination procedure are the final ratings made by the oral examiners. In some instances different oral examining committees examine different applicants for the same position. The questions submitted to applicants vary among the various examining committees and may not be occupationally pertinent to the position for which the applicant is being examined.



The oral part of a civil service examination is as important as the written part of the examination, and the applicant and appointing authority would both benefit from a written transcript of oral examinations. It would foster greater uniformity among oral examining committees. Needless to say, questions submitted in an oral examination should be occupationally pertinent to the position.

- IV. IT IS RECOMMENDED THAT MILITARY EXPERIENCE RECEIVE FULL EVALUATION AND BE CONSIDERED IN RATING THE APPLICANTS' TRAINING AND EXPERIENCE.

Section 43.30 of Minnesota Statutes 1949 states in part, "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." Although this provision was intended to protect veterans from discrimination, its literal application would harm them by preventing their being given credit for pertinent military experience.

For many civilian positions related military experience and training of the proper kind are very valuable. Veterans are given credit for pertinent military experience and training by the Minnesota Civil Service Department. It is recommended that this practice be continued. The provision of the law which states that the examiner shall not know whether an applicant claims veterans' preference is out of tune with any rating of military experience and training, and might well be repealed.

- V. IT IS RECOMMENDED THAT ALL VACANCIES IN THE CLASSIFIED SERVICE BE FILLED WITHIN SIX MONTHS FROM THE DATE OF OCCURRENCE AND APPLICANTS FOR SUCH POSITIONS BE SELECTED FROM ESTABLISHED ELIGIBLE REGISTERS.

Filling a position in the classified service by personnel other than those from established eligible registers defeats the purpose of any merit system. It discriminates against both the veteran and the non-veteran seeking employment in government service through proper channels.

- VI. IT IS RECOMMENDED THAT WHEN THREE OR MORE APPLICANTS WAIVE THEIR RIGHT TO A POSITION IN THE CLASSIFIED SERVICE, THE APPOINTING AUTHORITY SHALL EXPLAIN THE REASON FOR SUCH WAIVER IN WRITING TO THE GOVERNOR AND TO THE CIVIL SERVICE BOARD.

The use of waivers can result in gross discrimination against applicants for employment in the classified service. There are times when applicants for a particular position, because of their own personal reasons, waive the right to positions for which they are eligible. However, pressures may be brought to bear upon applicants for a particular position to waive their rights so that the appointing authority may select a particular individual without reference to ratings established under the merit system. Requiring the appointing authority to explain to the Governor and the Civil Service Board the reasons for each use of waivers will minimize this abuse. In the case of political subdivisions, a similar report shall be made to local civil service commissioners and to the mayor or the governing body.

- VII. IT IS RECOMMENDED THAT IN ALL EXAMINATIONS, APPLICANTS MUST RECEIVE A PASSING GRADE BEFORE PREFERENCE POINTS ARE APPLIED.

The adoption of this recommendation will raise the standards of employees entering governmental service. Government service should recruit efficient employees and this change will raise the standards of eligible applicants for positions.

- VIII. IT IS RECOMMENDED THAT A DISABLED VETERAN BE DEFINED AS ONE WHO IS CERTIFIED BY THE VETERANS ADMINISTRATION TO HAVE TEN PER CENT OR MORE DISABILITY.

Preference accorded disabled veterans is granted to provide a method of compensation for disability received as a result of military service. Unless there is a definite degree of disability, the granting of disabled veterans' preference discriminates against both the veteran and the non-veteran.

- IX. IT IS RECOMMENDED THAT A RETENTION SYSTEM FOR STATE EMPLOYEES BE ESTABLISHED TO PROTECT THE RIGHT OF VETERANS WHEN A REDUCTION IN PERSONNEL OCCURS.

It is generally accepted that veterans be given preference in entering public employment as a reward for their services and sacrifices while in the military or naval forces. By the same token, it is equally desirable that veterans be given preference in retention when there are reductions in force.

- X. IT IS RECOMMENDED THAT ABSOLUTE PREFERENCE BE STRICKEN FROM PROMOTIONAL EXAMINATIONS.

The predominance of testimony from employees in the classified service of the State establishes the fact that absolute preference in promotional examinations creates dissatisfaction and hardship among veteran employees as well as non-veteran employees. Veterans were free in stating that they were willing and able to compete with non-veteran employees without the benefit of absolute preference.

- XI. IT IS RECOMMENDED THAT THE GOVERNOR SHALL APPOINT A QUALIFIED CIVIL SERVICE DIRECTOR INTERESTED IN THE PRINCIPLES OF A GOOD MERIT SYSTEM FOR A TERM OF FOUR YEARS, WITH THE CONSENT AND ADVICE OF THE SENATE.

This procedure will establish the principle of responsibility to the Chief Executive and make the Civil Service Director subject to confirmation by the Senate as is the case with other department heads.

- XII. IT IS RECOMMENDED THAT A CIVIL SERVICE APPEAL BOARD, REPLACING THE PRESENT BOARD, BE ESTABLISHED TO HEAR APPEALS FROM THE DECISION OF THE DIRECTOR AND BE VESTED WITH THE NECESSARY LEGAL AUTHORITY TO ENFORCE ITS FINDINGS. THE APPEAL BOARD SHALL CONSIST OF THREE MEMBERS, TWO OF WHOM SHALL BE ELECTED BY THE MEMBERS OF THE CLASSIFIED EMPLOYEES OF THE STATE OF MINNESOTA, THE THIRD TO BE APPOINTED BY THE GOVERNOR. OF THE ORIGINAL APPEAL BOARD, THE GOVERNOR SHALL APPOINT ONE MEMBER FOR A TWO YEAR TERM AND THE EMPLOYEES SHALL ELECT ONE MEMBER FOR A FOUR YEAR TERM AND ONE FOR A SIX YEAR TERM. THEREAFTER, ALL TERMS SHALL BE FOR A PERIOD OF SIX YEARS. EITHER THE EMPLOYEE OR THE DIRECTOR SHALL HAVE THE RIGHT TO A WRIT OF CERTIORARI FROM ANY COURT OF COMPETENT JURISDICTION.

APPENDIX

PROPOSED AMENDMENTS TO THE LAWS  
RELATING TO VETERANS' PREFERENCE

(Note: The proposed amendments cover only those recommendations  
which relate exclusively to veterans' preference.)



1949

## How Much Veterans' Preference?

*(Editor's Note: While the League has no official commitment on a modification of the "absolute veterans' preference" law applicable to municipal employment, many municipal officials have mentioned its adverse effect. They will be interested in this critical discussion of the subject by a young legislator, who, although himself a veteran, appreciates the long-run needs of the public service.)*

**T**HE ISSUE of veterans' preference in the civil service of the state and local governments is again before the Minnesota Legislature. The major veterans' organizations are asking for increased advantages for veterans over non-veterans now employed in the state and local governments or who are seeking such employment.

**By Floyd O. Flom, Glenwood, State Representative, 47th District**

ten or five points of preference to get a passing mark, which is seventy. Once a passing mark is attained, the disabled veteran is given the additional advantage of having his name placed at the top of the eligible list, ahead of all other



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