

Section 1. **Law amended.**—Mason's Supplement 1940, Section 8992-188, is hereby amended to read as follows:

"8992-188. **Notice.**—Whenever notice of hearing is required by any provision of this act by reference to this section, such notice shall be given once a week for three consecutive weeks in a legal newspaper designated by the petitioner in the county wherein the proceedings are pending; or if no such designation be made, in any legal newspaper in such county; or if the city or village of the decedent's residence is situated in more than one county, in any legal newspaper in such city or village. The first publication shall be had within two weeks after the date of the order fixing the time and place for the hearing.

At least 14 days prior to the date fixed for the hearing, the petitioner, his attorney, or agent, shall mail a copy of the notice to each heir, devisee, and legatee, whose name and address are known to him, *and in the case of notice required by Sections 53 and 70, shall mail two copies of the notice to the commissioner of taxation at St. Paul, Minnesota;* and if the decedent was born in any foreign country, or left heirs, devisees, or legatees, in any foreign country, to the consul or representative referred to in Section 68, or if there be none, to the chief diplomatic representative of such country at Washington, D. C., or to the secretary of state at St. Paul, Minnesota, who shall forward the same to such representative.

Proof of such publication and mailing shall be filed before the hearing. No defect in any notice, nor in the publication or service thereof, shall invalidate any proceedings."

Approved April 24, 1941.

CHAPTER 423—H. F. No. 172

An act relating to civil service for county officers and employees in certain counties in the State of Minnesota having a population in excess of 150,000 and an area of more than 5,000 square miles.

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

Section 1. **County civil service commission created in certain counties.**—There shall be created and maintained in any county in the state of Minnesota now or hereafter having

a population in excess of 150,000 and an area of more than 5,000 square miles, a county civil service commission for county employees with powers and duties as hereinafter provided. Any such county desiring to avail itself of this act shall do so by the adoption by the board of county commissioners upon a record vote of a resolution providing (1) for the creation of a county civil service commission as in this act provided and (2) for the submission of such resolution to the voters of the county at the next general election for ratification, provided that until such resolution has been so ratified by a majority of the voters voting upon said question it shall be of no force or effect.

Sec. 2. County board to appoint commissioners—qualifications—compensation.—Within 30 days after a majority of the voters of the county voting upon said question elect to come within the provisions of this act, the board of county commissioners shall by majority vote, appoint three persons as county civil service commissioners to serve for designated terms of one for two years, one for four years, and one for six years. Each alternate year thereafter the board of county commissioners shall appoint one person as successor for the county civil service commissioner whose term shall expire, to serve six years. Any vacancies shall be filled by the board of county commissioners for the unexpired term. No person shall be appointed or shall act as a member of the county civil service commission at any time while holding any public office or while standing as a candidate for any public office, notary public excepted, or any public employment or position in a political party within the two years immediately preceding his appointment. Each member of said commission shall be a resident in the county and in the event he becomes a non-resident, he thereby forfeits his office. All appointments to the county civil service commission shall be subject to the written approval of the judges of the district court of the judicial district in which the county is located, filed in the office of the clerk of said district court in the county. Within 15 days after the filing of the approval by the district court, each commissioner shall qualify by subscribing to an oath for the faithful discharge of his duties and file said oath with said clerk of the district court and such oath shall include a statement of belief in and desire to support the principles of the merit system. If an appointee fails to so qualify, another shall be named in his stead. Each commissioner shall hold office until his successor has been appointed and qualified, except in case a commissioner shall stand as a candidate for elective public office, whereupon filing his candidacy he thereby automatically forfeits his office. Each member of the county

civil service commission shall be paid \$10.00 per day for each day actually devoted to duties as a member of the commission, but in no case shall any member be paid more than \$300.00 in any one year; provided that in addition thereto each member of the commission shall be paid his actual and necessary expenses on itemized and verified bills, and provided further that during the first two years after any county has availed itself of this act, each member of the commission may be paid not to exceed \$500.00 in each of said two years. The county civil service commission shall organize by electing one of its members as presiding officer and the civil service director hereinafter provided shall serve as secretary.

Sec. 3. Commission to appoint director.—The county civil service commission shall appoint as hereinafter provided a civil service director. The civil service director shall be appointed by the county civil service commission on the basis of merit and fitness after an open competitive examination. Within 30 days after the first members of the county civil service commission have been appointed and qualified, and thereafter whenever a vacancy exists in the office of the civil service director, the civil service commission shall appoint an examining committee of three persons to examine the qualifications of all persons applying for appointments to the office of the civil service director. At least two members of the examining committee shall be public personnel administrators or public personnel specialists of recognized standing. As soon as practicable after its appointment, the examining committee shall examine applicants for the position of civil service director, and shall certify to the county civil service commission the names of the three persons rated highest in the competitive tests and found by the committee to possess the necessary qualifications for the office of civil service director. The county civil service commission shall then appoint one of the persons so certified to the office of civil service director. No person who has not been examined and certified by an examining committee as herein provided for shall be appointed to the office of civil service director. The civil service commission shall fix the compensation and shall authorize the payment of expenses of members of the examining committee provided for in this section.

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

Sec. 4. Meetings—records—rules and regulations.—Members of the county civil service commission shall hold regular

meetings at least once each month and may hold such additional meetings as may be required in the proper discharge of their duties. Meetings of the commission shall be open to the public. The commission shall keep records and minutes of its business and official actions and such records and minutes shall be public records open to public inspection, subject to such rules as to hours and conditions of inspection as the commission may establish. It shall be the duty of the county civil service commission as a body:

a. After public hearing to adopt such rules and regulations for the administration of this act, such classification and compensation plans for the classified service, together with rules for their administration, and amendments thereof as may be recommended by the civil service director after a thorough survey of personnel organization included in such plan or plans, and suitable regulations covering vacations, leave of absence and sick leave, the order of lay-off in case of a curtailment in the number of employees in any class in any department, and any other conditions affecting the employment of persons within the classified service, which, when approved by the board of county commissioners, shall have the force and effect of law and be binding upon all county officers, boards and commissions. Rules and regulations affecting employees of the county welfare board should be in conformance with any federal regulations established by the social security board.

b. To make investigations either on petition of a citizen or of its own motion concerning the enforcement and effect of this act, to require observance of its provisions and the rules and regulations made thereunder.

c. To hear and determine appeals or complaints respecting the administrative work of the civil service director, the rejection of an applicant for admission to an examination, and such other matters as may be referred to the commission by the civil service director.

d. To make such investigations as may be requested by the board of county commissioners and to report thereon.

Sec. 5. Duties of director.—The civil service director as executive head of the county civil service commission shall direct and supervise all of its administrative and technical activities in addition to the duties imposed upon him, elsewhere in this act, and it shall be his duty to:

a. Attend the regular and special meetings of the county civil service commission, to act as its secretary and to record its official actions.

b. Appoint, supervise and direct such employees of the civil service department as may be necessary to carry out the provisions of this act. Such employees shall be chosen in accordance with and shall be subject to the provisions of this act.

c. Prepare and recommend rules and regulations for the administration of this act, which shall become effective after approval by the commission and the board of county commissioners, as provided in this act, to administer such rules and regulations and to propose amendments thereto.

d. Establish and maintain in card or other suitable form a roster of all officers and employees in the service of the county, which shall show the employment history of each such employee. The director shall have access to all records and papers, the examination of which will aid in the discharge of his duties in connection with such roster.

e. Ascertain and record the duties and responsibilities pertaining to all positions in the classified service and classify such positions in the manner hereinafter provided.

f. As soon as practicable after the adoption of the classification plan, prepare a schedule of salary or wage rates and ranges for each class, grade or group of positions in the classification. Such salary and wage schedules when approved by the civil service commission after public hearing shall be submitted to the board of county commissioners who may approve or reject such schedules. When approved by the board of county commissioners, they shall be used in connection with all payrolls and accounting records and with all budget estimates for all departments or agencies of the county government. Nothing in this section shall prevent the board of county commissioners from increasing or reducing the salary or wage rates of all positions in an entire grade or group uniformly, but it shall not increase the rate of pay of any class of positions beyond the rate in the next higher grade or group, nor reduce the pay of any grade or group below the rate of pay fixed for the next lower grade or group in the same service.

g. Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class of positions and as a result thereof, establish employment lists for the various classes of positions.

h. When a vacant position is to be filled, to certify to the appointing authority on written request the name of the three persons highest on the re-employment or employment list for the class. If there are no such lists, he may authorize provi-

sional appointments pending the establishment of such employment list for such class. Such provisional appointment shall not continue for a period longer than four months, nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year, nor shall there be more than one provisional appointment to any given position in any 12 months period. In case of an emergency, an appointment may be made of not to exceed ten days duration without regard to the provisions of this act, which appointment shall be immediately reported to the civil service director. Successive emergency appointments shall not be made.

i. Establish the length of the probation or working test period which shall not be less than six months and not more than 12 months, during which time discharges may be effected without specifying cause or granting a hearing, to enable the appointing authority to determine whether new officers and employees are able and willing to perform their duties satisfactorily; and for the method of removal or transfer of such officers and employees whose work or conduct during such period is unsatisfactory.

j. Establish records of performance and a system of service ratings to be used in determining increases and decreases in salaries, in promotion, in determining the order of lay-offs and re-employment and for other purposes.

k. Keep such records as may be necessary for the proper administration of this act.

l. Provide a system of checking payrolls, estimates and accounts for payment of salaries or wages to employees in the classified service, as to enable the director upon satisfactory evidence thereof, to certify or cause to be certified that the persons whose names appear thereon have been regularly employed in the performance of the duties indicated at the compensation rates and for the periods for which compensation is claimed or are on authorized leave before payment may be lawfully made to such employees.

m. Make investigations concerning the administration and effect of this act and the rules made thereunder, and report his findings and recommendations to the commission.

n. Make an annual report to the county civil service commission.

Sec. 6. Classified and unclassified service.—The officers and employees of such county and of any agency, board, or commission, supported in whole or in part by taxation upon

the taxable property of such county or appointed by the judges of the district or probate court for such county, are hereby divided into the unclassified and classified service. The unclassified service shall comprise:

a. All officers elected by popular vote or persons appointed to fill vacancies in such offices.

b. Judges and receivers, referees, arbiters, court reporters, jurors, notaries public, and persons appointed by a court to make or conduct any special inquiry of a judicial and temporary character.

c. Superintendent or principal administrative officer of any separate department of county government which is now or hereafter created pursuant to law, who is directly responsible to the board of county commissioners or any other board or commission.

d. Members of the teaching staff and supervisor and principals in the employ of the superintendent of county schools.

e. Members of non-paid board, or commissioners appointed by the board of county commissioners or acting in an advisory capacity.

f. Assistant county attorneys or special investigators in the employ of the county attorney.

g. All common labor temporarily employed on an hourly basis.

h. All inmate or patient help in county institutions.

i. All physicians, dentists, registered nurses and medical laboratory technicians working under the direction of a licensed physician or dentist in any hospital or sanatorium operated by a commission or board of such county.

The classified service shall include all other positions now existing and hereinafter created in the service of the county or any board or commission, agency, or offices of such county.

Sec. 7. Classifications—examinations.—Any regular employee holding a position which is placed in the classified service under the provisions of this act shall be a member of the classified service if he has been in the employ of the county for five years or more, immediately previous to the time the board of county commissioners elects to avail itself of the provisions of this act. All other employees shall not be members of such classified service until such time as they shall have been appointed to such position in accordance with the

provisions of this act. The civil service director subject to rules and regulations of the county civil service commission shall within two years of the date the board of county commissioners of such county elects to avail itself of the provisions of this act, prepare and offer once to all persons who, on the date the board of county commissioners of such county elects to avail itself of the provisions of this act, are incumbents of positions in the classified service with less than five years of service, a qualifying examination that is designed to test his fitness to perform the work of the class to which his position has been allocated. All employees who may take qualifying examinations shall retain their positions until an opportunity is offered to take such examination. If such incumbents pass such qualifying examination, they shall become members of the classified service. If, however, any of the aforementioned incumbents who are required by this act to take a qualifying examination shall fail to pass the same, they shall be removed from their positions at or before the expiration of three months following receipt of notice of failure to pass such examination. All persons who shall willfully fail or refuse to take the examination when offered, without reasonable excuse, shall be removed from their positions immediately.

Sec. 8. Classification plan to be submitted.—The civil service director shall, as soon as practicable after this act takes effect and after consultation with appointing authorities and principal supervising officials, recommend to the county civil service commission a classification plan, together with proposed rules for its administration. Such classification plan shall show each class of positions in the classified service, and when approved by the county civil service commission, shall be made public, together with the rules for its administration. Each such class shall include such positions requiring duties which are substantially similar in respect to duties and responsibilities and shall be designated by titles indicative of the duties; and that the same schedule of compensation can be made to apply with equity under like working conditions. The class titles shall be used in personnel, budget and financial records and communications. As far as practicable the natural or probable line of promotion to and from the class of positions shall be designated or indicated.

Sec. 9. Shall allocate positions to proper class.—The civil service director shall, as soon as practicable after the adoption of the classification plan, and after consultation with appointing authorities, allocate each position to its proper class. Any employee whose position or title is affected by such allocation

shall be notified thereof and may appeal his allocation to the county civil service commission within 30 days of such notice, and after hearing such employee the civil service commission shall approve or modify such allocation.

Sec. 10. Additional classes may be established.—With the approval of the county civil service commission additional classes may be established for new positions created, or positions not included in any previously established class may be allocated thereto, as good administration may require. Any existing class or classes may be divided, combined, altered or abolished and positions allocated to any class or classes may be re-allocated. The appointing authorities shall promptly report to the civil service director intention to establish new positions that may be classified and allocated, and that certifications may be made or appropriate tests provided for and held for the purpose of establishing requisite employment lists from which appointments may be made as provided in this act.

Sec. 11. Lay-offs.—Whenever any employee in the classified service, who has been performing his duties in a satisfactory manner, as shown by the records of the department or other agency in which he has been employed, is laid off because of lack of work or lack of funds, or has been on authorized leave of absence for more than one year and is ready to report for duty when a position is open, or has resigned in good standing and with the consent of the county civil service commission and the department under whose jurisdiction he was employed, and has withdrawn his resignation without being restored to his position, the civil service director shall cause the name of such employee to be placed on the re-employment list for the appropriate class. No re-employment list shall be valid for more than two years. The order in which names shall be placed on the re-employment list for any class shall be established by rule. No person shall be reinstated or have his name restored to a re-employment list unless such resignation is withdrawn within one year after it has been presented and accepted.

Sec. 12. Civil service director shall hold tests.—The civil service director shall, from time to time, as conditions warrant, hold tests for the purpose of establishing employment lists for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held with limitations specified in the rules of the commission as to residence, age, health, habits, moral character and prerequisite qualifications to perform the duties of such positions. Promotion tests shall be

competitive to such persons examined or appointed under the provisions of this act and who have completed the probationary period in a class or rank previously declared by the commission to involve the performance of duties which tend to fit the incumbent to the performance of duty in the class or rank for which the promotion test is held. In promotion tests, efficiency in service shall form part of such tests. The civil service director shall hold promotion tests for each superior class of service whenever there is an inferior rank in the same class, the duties of which directly tend to fit the incumbents thereof for the performance of the duties of the superior grade. If fewer than two persons submit themselves for a promotion test, or if after such test is held all applicants fail to attain a general average of not less than the minimum standard fixed by the rules of the county civil service commission, he shall forthwith hold an original entrance test and certify from the employment list resulting therefrom.

All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the duties of the class of work for which the examination is being conducted, and may include tests of physical fitness or of manual skill. No credit shall be allowed for service rendered under provisional appointment. No question in any test shall relate to religious or political opinions or affiliations. As many tests shall be held as may be necessary to provide eligibles for each class of position, and to meet all requisitions and to fill all positions held by provisional appointees. From the return and report of the examiners or from the tests provided by the civil service director, he shall prepare a list of eligible persons who shall attain such minimum mark as may be fixed for the various parts of such test, and whose general average standing upon the test for such position is not less than the minimum fixed by the rules of the commission, and who may lawfully be appointed. Such persons shall take rank upon the list in the order of their relative excellence as determined by the tests. The markings of all tests shall be completed and the resulting employment list posted as soon as possible thereafter. The life of any eligibility list shall not exceed one year but may be extended an additional year by motion of the civil service commission.

The markings and test papers of each candidate shall be open to his own inspection. The markings and test papers of all persons upon any list of eligibles may be opened to public inspection in the discretion of the county civil service commission. An error in the markings of any test other than an error in judgment, if called to the attention of the commission

within one month after the establishment of an employment list resulting from such test, shall be corrected by it; provided, however, that such correction shall not invalidate any certification or appointment previously made. Public notice of each examination shall be given.

Sec. 13. Powers of director.—The civil service director may reject an application of any person for admission to a test or refuse to test any applicant, or to certify the name of an eligible for employment who is found to lack any of the established qualification requirements for the position for which he applies or for which he has been tested, or who is physically unfit to effectively perform the duties of the position, or who is addicted to the use of drugs or the habitual use of intoxicating liquors to excess, or who has been guilty of any crime or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency, or who has made a false statement of any material fact or practiced or attempted to practice deception or fraud in his application or in his test, or in securing eligibility or appointment. Any such person may appeal to the county civil service commission from the action of the civil service director in accordance with the rules established hereunder.

Sec. 14. Shall make requisition to fill vacancy.—Whenever a position in the classified service becomes vacant the appointing authority, if it desires to fill the vacancy, shall make requisition upon the civil service director whereupon the civil service director shall certify the names of the three persons highest on the re-employment or employment list for the class and willing to accept appointment provided that no name shall be certified from an employment list as long as there is a re-employment list for the class. The appointing authority shall at its discretion appoint one of the persons so certified for the working test period. At the end of the working test period the appointing officer shall notify the civil service director in writing whether the probationer is a satisfactory employee and should receive the status of a permanent appointee. Upon such notice the employee, if his service during the working test period did not fall below such minimum standards as have been prescribed by the civil service director, shall be deemed to have a permanent classified civil service status; otherwise the employee is automatically separated from the service.

Sec. 15. May transfer employees.—The civil service director may at any time authorize the transfer of any employee in the classified service from one position to another position in the same class or grade and not otherwise; provided, how-

ever, that persons who are not members of the classified service under the provisions of this act shall not be entitled to transfer. Transfers shall be permitted only with the consent of the civil service director and the department concerned.

Sec. 16. Employees may be laid-off.—In accordance with the rules, an appointing authority may lay off an employee in the classified service whenever he deems it necessary by reason of shortage of work or funds, or the abolition of a position or other material change in duties or organization. The seniority and service ratings of employees shall be considered, in such manner as the rules shall provide, among the factors in determining the order of lay-offs. The appointing authority shall give written notice to the civil service director of every proposed lay-off a reasonable time before the effective date thereof, and the civil service director shall make such orders relating thereto as he considers necessary to secure compliance with the rules. The name of every regular employee so laid off shall be placed on the appropriate re-employment list.

Sec. 17. Civil service director to certify payrolls.—The county auditor, county treasurer, and the board of county commissioners, or any other officer or employee of the county, shall not approve the payment of, or be in any manner concerned in paying, auditing, or approving any salary, wage or other compensation for services to any person holding a position in the classified service unless there shall first have been filed with the county auditor a payroll, estimate, or account for such salary, wage or other compensation containing the names of the persons to be paid, and a statement of the amount to be paid each such person and the services on account of which the same is paid, and a statement that such services have been performed, and bearing the certificate of the civil service director that the persons named in such payroll, estimate, or account have been appointed or employed in pursuance of law and of the rules made by the county civil service commission under the provisions of this act and have complied with the terms of this act and of the rules of the commission when required so to do. Before making any such certificate the civil service director shall investigate the nature of each item of such payroll, estimate or account and if he shall ascertain that the provisions of the law in respect to any such item have not been strictly complied with, he shall refuse to certify such item. The civil service director shall refuse to certify the pay of any such public officer who shall wilfully or through culpable negligence violate or fail to comply with the provisions of this act and the rules of the county civil service commission.

Sec. 18. Commission to bring actions.—It shall be the duty of the county civil service commission to begin and conduct all civil suits for the proper enforcement of this act and of the rules of the commission and to defend all civil suits which shall be brought against the commission. The commission shall be represented in such suits by the county attorney or by special counsel provided by the board of county commissioners. Any taxpayer of the county may maintain an action in the district court to recover for the treasury any sums paid contrary to the provisions of this act or the rules of the county civil service commission from the person or persons authorizing such payment or to enjoin the person or persons from making such payment or to enjoin the civil service director from attaching his certificate to a payroll in violation of the provisions of this act.

Sec. 19. Commission may subpoena witnesses.—In an investigation conducted by the county civil service commission or civil director they shall have the power to subpoena and require the attendance of witnesses and the production by them of books and papers pertinent to the investigation and to administer oaths to such witnesses.

Sec. 20. Shall not obstruct or prevent taking of tests.—No person shall deceive or obstruct any person in respect to his or her right of test under the provisions of this act or falsely mark, grade, estimate or report upon the test or standing of any person tested hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries of the civil service commission, any special information for the purpose of either improving or injuring the rating of any such person for appointment or employment. No applicant shall deceive the county civil service commission for the purpose of improving his chances or prospects for appointment. No person shall solicit, orally or by letter, and no public officer or employee shall receive or be in any manner concerned in the receiving or soliciting of any money or valuable thing from any officer or employee holding a position in the classified service for any political party or purpose whatsoever. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position classified under this act as a regard or return for personal or partisan political service. No public officer or employee shall by means of threats or coercion induce or attempt to induce any person holding position in the classified service to resign his position or to take a leave of absence from duty or to waive any of his rights under this act. A resignation executed previous to appointment shall be of no effect.

Sec. 21. Persons in classified service not obliged to contribute to political funds.—No person holding any office, place, or position of employment in the classified service is under any obligation to contribute to any political fund or to render any political service to any person or body whatsoever and no person shall be removed, reduced in grade, or salary, or otherwise prejudiced for refusal so to do. No public officer whether elected or appointed shall discharge, promote, demote, or in any manner change the official rank of the employee or the compensation of any person in the classified service or promise or threaten to do so, for the giving or withholding or neglecting to make any contribution of money or services or any other valuable thing for any political purpose.

No person holding office or place in the classified service shall seek and accept election, nomination, or appointment as an officer of a political group or organization or take active part in a political campaign or serve as a member of a committee of any such club or organization or circulate or seek signatures to any petition provided for by any primary or election law or act as a worker at the polls, or distribute badges, colors, or indicia favoring or opposing the candidate for election or nomination to a public office, whether federal, state, county or municipal; provided, however, that nothing in this act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office, provided that any officer or employee in the classified service becoming a candidate for nomination or election to any public office shall by the act of filing his candidacy be removed from the classified service.

Sec. 22. Not to be discharged or demoted without cause.—No person in the classified service who shall have been permanently appointed or inducted into the classified service under provisions of this act shall be removed, suspended for more than 30 days, demoted or discharged except for cause which will promote the efficiency of the service and not for political or religious reasons and only upon the written accusation of the appointing power or any citizen or taxpayer. A written statement of such accusation shall be served upon the accused, and a duplicate filed with the county civil service commission. Any person so removed, suspended for more than 30 days, demoted or discharged, may within ten days from the time of his removal, suspension for more than 30 days, demo-

tion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension for more than 30 days, demotion or discharge was or was not made for political or religious reasons or was or was not made for just cause. After such investigation the commission may, if in its estimation the evidence is sufficient, affirm the removal, or if it shall find that the removal, suspension for more than 30 days, or demotion was made for political or religious reasons, or was not made for just cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which such person was removed, suspended for more than 30 days, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retro-active, and entitle such person to pay or compensation from time of such removal, suspension for more than 30 days, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension for more than 30 days, demotion or discharge may place such employee on the re-employment list for service in the same or lower classification in a different branch of the service when a vacancy may occur.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person, and presenting his defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the district court where the issue shall be heard de novo and determined in the same manner as a court case. The district court shall thereupon proceed to hear and determine such appeal in a summary manner, provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension for more than 30 days, made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such grounds or ground.

Sec. 23. Commission to report annually to county board on needs.—The county civil service commission shall investigate and report annually to the board of county commissioners concerning the administrative needs of the service, the personnel and positions in the service, and the compensation provided therefor, the examinations held by the commission, the appointments made, service ratings and removal in the civil

service, the operation of the rules of the commission, and recommendations for promoting efficiency and economy in the service, with details of expenditures and progress of work. The board of county commissioners may require a report from said commission at any time respecting any matter within the scope of its duties hereunder.

Sec. 24. To have office in county seat.—Office accommodations for the county civil service commission shall be provided at the county seat. All compensation, salaries and other expenses of the county civil service commission and employees thereof shall be paid out of the county revenue fund within the amount appropriated by the board of county commissioners, which amount shall not be less than \$10,000 annually except that during the first two years any county elects to avail itself of the provisions of this act, said amount shall be \$15,000 annually, unless a smaller appropriation is requested by the civil service commission.

Sec. 25. Veterans to have preferential rating.—Honorable discharged veterans of the United States Army, Navy or Marine Corps, who have served in past wars, shall be entitled to preferential rating or preference in appointment as provided for in Laws 1939, Chapter 441, Section 31.

Sec. 26. Violation to be gross misdemeanor.—Any person who wilfully or through culpable negligence violates any of provisions of this act, or of the rules of the county civil service commission, shall be guilty of a gross misdemeanor. Conviction of same shall render the public office or position held by such person vacant.

Sec. 27. Inconsistent acts repealed.—All acts and parts of acts inconsistent with this act are hereby repealed to the extent necessary to give effect to the provisions of this act, any provision of Laws 1931, Chapter 347 to the contrary notwithstanding.

Sec. 28. Provisions severable.—The event that any section or part of a section of this act be held invalid, for any reason, such invalidity shall not be held to impair and invalidate the remainder of this act or any part of it, it being the legislative intent that every section and part hereof shall stand and be in force and effect notwithstanding the invalidity of any particular provision or provisions.

Sec. 29. Right to amend or repeal act reserved.—The right to amend or repeal this act is hereby reserved in the legislature, notwithstanding any provision of this act.

Approved April 24, 1941.