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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3109

03/23/2023

Authored by Her

The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act

1.2 relating to local government; modifying Ramsey County employment provisions;

1.3 amending Minnesota Statutes 2022, sections 383A.288, subdivision 3; 383A.292,

1.4 subdivision 1; 383A.294, subdivisions 3, 4.

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

1.6 Section 1. Minnesota Statutes 2022, section 383A.288, subdivision 3, is amended to read:

1.7 Subd. 3. **Eligibility for competitive open examinations.** (a) Competitive open

1.8 examinations shall, upon public notice, be open to all applicants who meet reasonable

1.9 job-related requirements fixed by the Human Resources Department.

1.10 ~~(b) Employees in the classified service with permanent tenure who pass an open~~

1.11 ~~competitive examination shall have added to their final examination score one point for~~

1.12 ~~each year of permanent tenure up to a maximum of ten points. This credit shall not be used~~

1.13 ~~for examinations for supervisory positions. During the term of any joint powers agreement~~

1.14 ~~between the city of Saint Paul and Ramsey County joining a city of Saint Paul department~~

1.15 ~~or program and a Ramsey County department or program into a combined department or~~

1.16 ~~program under the direction of Ramsey County, Ramsey County may allow classified~~

1.17 ~~employees of the affected city of Saint Paul department, who pass an open competitive~~

1.18 ~~examination to have added to their final examination score one point for each year of~~

1.19 ~~permanent tenure in the classified service of the city of Saint Paul, up to a maximum of ten~~

1.20 ~~points, in open competitive examinations to fill vacancies in county positions only in the~~

1.21 ~~combined department or program.~~

2.1 Sec. 2. Minnesota Statutes 2022, section 383A.292, subdivision 1, is amended to read:

2.2 Subdivision 1. **Temporary appointments.** The human resources director may authorize
2.3 the appointing authority to make a temporary appointment of not more than ~~six~~ nine months
2.4 in any 12-month period. When practicable, the human resources director may certify any
2.5 qualified eligible from an eligible list for the temporary appointment, but may authorize the
2.6 appointment of any person deemed qualified by the appointing authority.

2.7 Sec. 3. Minnesota Statutes 2022, section 383A.294, subdivision 3, is amended to read:

2.8 Subd. 3. **Notice of disciplinary action.** The appointing authority shall give a permanent
2.9 classified employee written notice of the discharge, suspension without pay, or reduction
2.10 in pay or position. The written notice shall include a statement of the nature of the disciplinary
2.11 action, the specific reasons for the action, the effective date of the action, and a statement
2.12 informing the employee of the employee's right to reply within ten working days of receipt
2.13 of the notice in writing or, upon request, in person, to the appointing authority or the
2.14 authority's designee. The notice shall also include a statement of the employee's right to
2.15 appeal to the Personnel Review Board within 30 calendar days of the effective date of the
2.16 disciplinary action, but an employee who elects to reply to the appointing authority may
2.17 appeal within ten working days of the receipt of the authority's response to the reply. If the
2.18 appointing authority has not responded within 30 calendar days of receipt of the employee's
2.19 reply, the appointing authority shall be deemed to have replied unfavorably to the employee.
2.20 A copy of the disciplinary action notice and the employee's reply shall be filed with the
2.21 Human Resources Department.

2.22 Sec. 4. Minnesota Statutes 2022, section 383A.294, subdivision 4, is amended to read:

2.23 Subd. 4. **Appeal process.** (a) **Hearing.** Within ten working days of receipt of the
2.24 employee's written notice of appeal, the Personnel Review Board shall request the chief
2.25 administrative law judge to assign an administrative law judge to hear the appeal. The
2.26 hearing shall be conducted as a contested case and both the employee and appointing
2.27 authority shall be entitled to present facts at the hearing. The burden of proof shall be on
2.28 the appointing authority to establish the basis for its disciplinary action by a preponderance
2.29 of the evidence. A record shall be kept of the hearing at the expense of the Personnel Review
2.30 Board. The administrative law judge may subpoena and require the attendance of witnesses
2.31 and the production of any relevant documents and may administer oaths to witnesses.

2.32 (b) **Hearing report.** Within 30 working days after the close of the hearing record, the
2.33 administrative law judge shall recommend to the Personnel Review Board an appropriate

3.1 disposition of the grievance which shall be in writing and contain findings of fact and
3.2 conclusions.

3.3 (c) **Decisions of Personnel Review Board.** Within 30 working days of receipt of the
3.4 administrative law judge's recommendation, the Personnel Review Board shall act to modify,
3.5 reject, or accept the recommendation. If the Personnel Review Board fails to act within 30
3.6 working days after receipt of the recommendation, it shall be deemed to have accepted the
3.7 recommendation of the administrative law judge recommending final disposition of the
3.8 grievance. The Personnel Review Board shall not conduct a hearing prior to modifying,
3.9 accepting, or rejecting the recommendation of the administrative law judge but shall confine
3.10 its review to the record established before the administrative law judge and no party to the
3.11 appeal shall have a right to a hearing de novo before the Personnel Review Board.

3.12 (d) **Appeal of Personnel Review Board decision.** The decision of the Personnel Review
3.13 Board shall be the final decision regarding the employee's grievance appeal. The decision
3.14 may be appealed to district court within 30 calendar days after its receipt, by the appointing
3.15 authority or by the employee. The appeal shall be decided by the court upon the board's
3.16 record. The decision of the board may be reversed if the hearing record contains no evidence
3.17 upon which the Personnel Review Board could have reached its decision or if the Personnel
3.18 Review Board abused its discretion.

3.19 (e) **Effect of Personnel Review Board decision.** The Personnel Review Board decision
3.20 shall be binding on both the employee and the appointing authority unless on appeal the
3.21 decision is stayed, modified, or reversed by the district court.

3.22 (f) **Proper party to litigation.** Ramsey County and not the Personnel Review Board,
3.23 shall be a proper party to an appeal or any litigation arising out of sections 383A.281 to
3.24 383A.301.

3.25 The Personnel Review Board shall have no right to sue or be sued under sections
3.26 383A.281 to 383A.301. The county attorney shall represent the county in any litigation
3.27 arising out of sections 383A.281 to 383A.301.

3.28 An employee may not use both the procedure provided by this section and the grievance
3.29 procedure provided by chapter 179A.

3.30 Sec. 5. **EFFECTIVE DATE.**

3.31 Sections 1 to 4 are effective the day after the governing body of the Ramsey County
3.32 Board of Commissioners and its chief clerical officer comply with Minnesota Statutes,
3.33 section 645.021, subdivisions 2 and 3.