

CHAPTER 420

FIREMEN'S CIVIL SERVICE COMMISSION

420.01 CREATION OF COMMISSION.

HISTORY. 1929 c. 57 s. 1; Ex. 1936 c. 13; M. Supp. s. 1933-23.

Mandamus proceedings by an honorably discharged veteran of the world war to compel the civil service commission of the village of Hibbing to place his name on a certified list from which appointments were to be made for positions in the village fire department. The veteran, who had passed the required civil service examinations pursuant to rules and regulations adopted under Laws 1929, Chapter 57, claimed a preference and invoked Laws 1931, Chapter 347. The 1929 law did not provide for a preference of veterans. The purpose of the 1931 law was to make operative again the provisions of Laws 1919, Chapter 192. Both acts are constitutional; the 1931 law operated as an amendment to the 1929 law. The 1931 law was in full force and effect prior to the determination of the result of the examinations taken, and the veteran was entitled to the relief sought. State ex rel v McDonald, 188 M 157, 246 NW 900.

Laws 1929, Chapter 57, is a general law and has a uniform application to all cities and villages within the class covered thereby. It does not violate the Constitution, Article 4, Sections 33, 34, 36. State ex rel v Peterson, 180 M 366, 230 NW 830.

The act does not apply to a city or village having a fire department consisting of two regularly employed and paid firemen and volunteers. OAG Aug. 11, 1934 (688b).

City of International Falls with two regularly paid firemen on a monthly salary may accept the benefits of the act. OAG July 9, 1937 (688b).

420.02 COUNCIL TO ADOPT RESOLUTION.

HISTORY. 1929 c. 57 s. 3; M. Supp. s. 1933-25.

The resolution adopting this act is in the nature of a legislative act required to have three readings under the charter of the city of Hastings. OAG May 2, 1938 (62b).

420.03 MEMBERSHIP; DUTIES; TERMS.

HISTORY. 1929 c. 57 s. 4; M. Supp. s. 1933-26; 1945 c. 183 s. 1.

The same person cannot hold the offices of police civil service commissioner and firemen's civil service commissioner. OAG Jan. 22, 1934.

420.04 MEETINGS.

HISTORY. 1929 c. 57 s. 5; M. Supp. s. 1933-27; 1945 c. 183 s. 2.

420.05 MEMBERS TO SERVE WITHOUT PAY.

HISTORY. 1929 c. 57 s. 6; M. Supp. s. 1933-28.

The power to purchase a fire truck and equipment is vested in the city council and not in the civil service commission. OAG March 5, 1937 (688c-1).

420.06 POWERS AND DUTIES OF COMMISSION.

HISTORY. 1929 c. 57 s. 7; M. Supp. s. 1933-29; 1941 c. 434.

The city council and not the civil service commission fixes the salaries of the members of the department. OAG April 30, 1935 (688b).

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Where a city has a fire department consisting of three full-time employees who are paid a regular monthly salary and several so-called volunteer employees, including the chief, who are paid by the hour for such service as they may render, the civil service commission has jurisdiction only over the three employees. OAG Dec. 30, 1938 (688b).

420.07 RULES FOR FIRE DEPARTMENT SERVICE.

HISTORY. 1929 c. 57 s. 8; M. Supp. s. 1933-30.

The civil service commission of the village of Hibbing, appointed under Laws 1929, Chapter 57, discharged relator from his position as fireman. A group of eight firemen were appointed in 1931 according to ratings given them on examinations had. Relator stood at the head of the list with the highest rating. In March, 1933, it became necessary to discharge three of these men in order to make places for three veterans who had, by a judgment of the district court, been found entitled to appointment as firemen. The commission, without any cause shown for discrimination, discharged relator, while retaining in service three nonservice men having materially lower qualification ratings. Under Laws 1929, Chapter 57, and the rules adopted thereunder by the commission, it was the duty of the commission to give effect to the rating of relator on the eligibility list certified by it and not to discharge him so as to give preference in the employment to others having lower ratings. State ex rel v Ritchel, 192 M 63, 255 NW 627.

420.08 REMOVAL OR DISCHARGE; HEARINGS.

HISTORY. 1929 c. 57 s. 9; M. Supp. s. 1933-31.

420.09 COMMISSION TO GRADE EMPLOYEES.

HISTORY. 1929 c. 57 s. 10; M. Supp. s. 1933-32.

420.10 EXAMINATIONS; EXAMINERS.

HISTORY. 1929 c. 57 s. 11; M. Supp. s. 1933-33; 1945 c. 197 s. 1.

420.11 NOTICE OF EXAMINATIONS.

HISTORY. 1929 c. 57 s. 12; M. Supp. s. 1933-34.

420.12 CHARGES TO BE FILED; TRIAL.

HISTORY. 1929 c. 57 s. 13; M. Supp. s. 1933-35.

420.13 SUSPENSION OR REMOVAL.

HISTORY. 1929 c. 57 s. 14; M. Supp. s. 1933-36.

420.14 FIREMEN'S CIVIL SERVICE COMMISSION MAY NOT BE ABOLISHED IN CERTAIN CASES.

HISTORY. 1929 c. 57 s. 18; 1931 c. 152 s. 1; 1939 c. 379; M. Supp. s. 1933-40.

420.15 ELECTIONS.

HISTORY. 1929 c. 57 s. 19; 1931 c. 152 s. 2; M. Supp. s. 1933-41.

420.16 CERTAIN ACTS MISDEMEANORS.

HISTORY. 1929 c. 57 ss. 15 to 17; M. Supp. ss. 1933-37 to 1933-39.

Local civil service commission may not prohibit firemen "from rendering any political service". OAG Feb. 10, 1933.