

CHAPTER 419

POLICE CIVIL SERVICE COMMISSIONS

419.01 IN VILLAGES AND CERTAIN CITIES.

An employee subject to civil service who complies with all civil service regulations pertaining to him as an employee is not responsible for general administrative derelictions of the civil service commission. When a police officer was granted a leave of absence, was required to report for duty by midnight August 21, and who reported back for work August 20, and given work August 23, said officer maintained his rights on the civil service list. *Yaeger v Giguere*, 222 M 41, 23 NW(2d) 23.

The commission may exercise all powers imposed upon it by statute, and within its duties the mayor or other municipal officer may not interfere. The statute prevails over the provisions of the city charter. OAG April 28, 1943 (61-D).

Upon the adoption of the provisions of this act the city charter of the city is thereby amended insofar as this act is inconsistent with the provisions of the charter. OAG March 7, 1945 (59a-41).

Unless the rules of the commission so provide, a police officer cannot be removed for filing for the office of sheriff. OAG April 26, 1946 (785-E-2).

The civil service commission controls within the scope of its powers, and a chief of police must first observe the rules of that commission, and must also observe the rules of the police and fire commission which are not repugnant to the rules adopted by the civil service commission. OAG Nov. 25, 1946 (785-E-2).

419.04 COMMISSIONERS TO SERVE WITHOUT PAY.

The charter provisions of the city of St. Cloud are broad enough to authorize the city to employ such clerical assistance as may be necessary to properly handle the affairs of the city. This applies to provisions of sections 419.01 to 419.18. 1944 OAG 171, May 24, 1944 (785-E).

419.05 DUTIES OF COMMISSION.

Police commission and not the city council has the power to determine the age limits for employees of the police department. OAG March 5, 1943 (59-A-29).

Village council determines the number who shall be employed on the police force and individuals on the force are selected from an eligibility list in accordance with rules of the police civil service commission, and if there is a reduction in numbers, men are laid off in accordance with same rules. OAG March 16, 1944 (785-E-2).

As the statute makes no directions as to classification, that duty devolves upon the commission. OAG May 8, 1946 (785-E-2).

Police civil service commission cannot delegate its powers to others, such as labor unions, by entering into contracts or otherwise. OAG Aug. 1, 1946 (270-D).

Power to discharge a member of the police department, including the chief, rest with the police civil service commission. OAG Nov. 25, 1946 (785-E-2).

419.06 MAY MAKE RULES FOR POLICE DEPARTMENT.

When a police officer was granted a leave of absence, was required to report back by midnight August 21, and who reported back for work on August 20, and given work August 23, the officer maintained his rights on the civil service list. *Yaeger v Giguere*, 222 M 41, 23 NW(2d) 23.

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The police civil service commission law vests in the commission the exclusive power to discharge a chief of police, thereby depriving municipal councils of the power of removal. *Naeseth v Village of Hibbing*, 185 M 526, 242 NW 6.

If on the eligible list when inducted into the armed service, the inductee retains his position thereon. OAG March 15, 1946 (120).

Section 419.06 authorizes the commission to make rules and regulations regarding vacations, and the right of a police officer who served in the armed service during World War II to receive on his return and compliance with conditions of section 192.261, is fixed by said section 192.261. OAG Sept. 17, 1946 (120).

419.07 OFFICERS DISCHARGED ONLY AFTER HEARING.

Amended by L. 1947 c. 522 s. 1.

Where the right to fix the number of policemen is in the city council, and it reduced the number from three to one, two of the men may be lawfully discharged. OAG March 19, 1946 (785-E-2).

Reinstatement of illegally discharged civil service employees. 18 MLR 837.

Removal from public office. 20 MLR 721.

419.08 COMMISSION TO MAKE RULES AND PRESCRIBE STANDARDS.

A policeman whose appointment is invalid cannot collect a salary for the time he served. *Yorks v City of St. Paul*, 62 M 250, 64 NW 565; *O'Brien v City of St. Paul*, 72 M 256, 75 NW 375.

The commission may adopt a rule requiring automatic retirement at age of 65. OAG March 19, 1946 (785-E-2).

419.12 SUSPENSION AND REMOVAL; REINSTATEMENT.

Cases involving discharge, suspension, and reinstatement. *Rees v City of Mpls.* 105 M 246, 117 NW 432; *State v McColl*, 127 M 155, 149 NW 11; *State v Matson*, 155 M 137, 193 NW 30; *State ex rel v Warren*, 195 M 180, 261 NW 857; *Mestad v City of Rochester*, 198 M 558, 270 NW 577.

Reinstatement of illegally discharged civil service employees. 18 MLR 837.

419.15 OFFICERS TO COME UNDER COMMISSION.

An employee of the park board who acted as watchman and park police did not have the status of a police officer of the village upon the date the commission was organized and is not entitled to be registered as such. *McDougall v Baich*, 194 M 550, 261 NW 180.

If a part-time officer was a regular employee at the time the civil service commission was created, he is entitled to a civil service status, and should not be replaced by another who has taken the examinations. 1942 OAG 201, Oct. 20, 1941 (785-E-2); 1942 OAG 202, Oct. 8, 1941 (785-E-2).

Removal from public office. 20 MLR 721.

419.19 APPLICATION OF SECTIONS 419.19 TO 419.34.

Resume as to conflicting duties in a case where Virginia, having a police and fire commission, accepted and adopted the provisions of L. 1945, c. 381. OAG Nov. 25, 1946 (785-E-2).