

May 23, 2016

The Honorable Members, the Minneapolis City Council  
City Hall – Room 307  
350 South Fifth Street  
Minneapolis, MN 55415

Dear President Johnson & Council Members:

On behalf of the Minneapolis Charter Commission, I am writing to transmit an amended form of a proposed charter amendment related the classified service of the City, pursuant to Article VIII, Section 8.5 (d), generally referred to as the “rule of three.” The proposed amendment was submitted by the City Council, pursuant to Minn. Stat. § 410.12, subd. 7. If adopted, the amendment would eliminate the existing provision—originally established by special state legislation—and substitute in its place modern personnel procedures to be set by ordinance.

Having considered this proposal, the Charter Commission concurs that this is a proper amendment to the City Charter and agrees it is a matter to be handled by ordinance requiring a unanimous vote of the City Council and the approval of the Mayor. The Charter Commission recommends one change to the proposal, which was raised by the attorney for the Minneapolis Park & Recreation Board (MPRB) at our meeting on Wed., May 4, 2016. Specifically, the Charter Commission is informed that the MPRB complies with the rules and regulations of the City’s civil service system, which includes the provisions related to the “rule of three.” Therefore, the Charter Commission recommends that the draft ordinance be amended to include reference to enable the new personnel procedures to be determined by the City Council for the City and by the MPRB for the Park & Recreation District, as appropriate. This change was made by the City Attorney’s Office and is reflected in the attached copy being returned by the Charter Commission to the City Council.

If there are questions or concerns, please let me know.

Sincerely,



Barry Clegg  
Chair, Minneapolis Charter Commission

## Proposed Amendment

Charter, Article VIII  
§8.5 **Classified Service**  
(d) **Employment**

(1) **Application register.** Each applicant on the application register is entitled to notice of each examination for a job for which he or she has applied and qualified.

(2) **Eligibility register.** ~~Except as otherwise provided by law~~ Notwithstanding any special law on this subject:

(A) each vacancy in the classified service is filled from the eligibility register; and

~~(B) the Commission must certify the first three eligible applicants standing highest on the eligibility register, unless a board, commission, department, or officer is filling more than one vacancy from the same list, in which case the Commission must certify one additional applicant for each additional vacancy. The City Council and the Minneapolis Park & Recreation Board each may by ordinance establish a selection process for certifying eligible applicants on the eligibility register.~~

(3) **Service register.** The City must pay an employee in the classified service only for the time and at the rate that the service register shows his or her employment.

(4) **Tenure.** After a probationary period that begins upon hiring, an employee in the classified service may be disciplined or discharged only as this charter, the Commission's rules, or any other applicable law or agreement provides.

(A) **Probation.** The probationary period is established—

(1) by the applicable collective-bargaining agreement or other contract between the City and the bargaining unit or employee; or, if there is no such contract,

(2) by ordinance; or, if there is no applicable contract or ordinance,

(3) by a rule that the Commission adopts.

(B) **Discharge.** No employee in the classified service, having completed the probationary period, may be discharged except for just cause after—

(1) written notice of the cause for dismissal;

(2) a hearing before the Commission, or an officer or board that the Commission designates; and

(3) a finding by the hearing authority that the evidence supports the cause charged and warrants dismissal.

(C) **Suspension.** A supervisor may, without regard to this article VIII's other provisions, discipline a subordinate employee by means of a suspension for up to 30 days.