

____ Request provided to the Budget Office when provided to the
Committee Coordinator

Background/Supporting Information -

History of the Rule of Three

- A special State law was passed in 1978 that allowed Rule of Three. Subsequent City Charter gave the Civil Service Commission authority to govern hiring practices.
- In 1984, the Gallagher decision clarified that union contract supercedes local rules, unless it violates state law.
- In 1988, several unions adopted Rule of the List clauses.

The City of Minneapolis is the only municipal government in Minnesota that is required by state law to use a “Rule of Three” certification process. For example, the State of Minnesota uses the Rule of 20, and Minnesota cities such as Duluth and Bloomington use the Rule of the List. Dakota County uses the Rule of 20 for hiring in all departments except the County Attorney’s Office. Anyone from the eligible list for the County Attorney’s office may be selected.

The City of Minneapolis has a total of 26 bargaining units. Of those, 17 bargaining units have negotiated the use Rule of the List for open examinations, with language that requires interviewing the top 3 or 4 candidates from that union on the list. Thirteen bargaining units use Rule of 3 for all examinations; 5 bargaining units have negotiated the use Rule of 7 for promotional examinations.

Moving forward this request allows our hiring managers to consider all eligible applicants for a vacant position. It removes the State’s involvement in an administrative function of the City of Minneapolis, and brings us more in line with what other jurisdictions are doing. It provides us with the authority to make important hiring decisions, tends to give more opportunities for internal candidates, and provides us with a *necessary* tool to support diverse hires in our organization.

Thank you for your consideration to this important issue.

A bill for an Act

relating to the city of Minneapolis; providing for a certification procedure for vacant positions in the classified service.

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

Section 1. **[CITY OF MINNEAPOLIS; MODIFYING THE CERTIFICATION PROCEDURE FOR VACANT POSITIONS IN THE CLASSIFIED SERVICE.]** Notwithstanding any provision of the Minneapolis city charter, civil service rules, or special law to the contrary, when there is a vacant position in the classified service, the civil service commission shall certify all of the names from the appropriate list of the eligible register, unless there is a different certification procedure in a current collective bargaining agreement. In that event, the procedure in the current collective bargaining agreement must be followed by the city of Minneapolis.

Sec. 2. **[APPLICATION.]** Section 1 shall only apply to eligible registers established subsequent to the enactment of section 1.

Sec. 3. **[REPEALER.]** Laws 1978, chapter 511, is repealed.

Sec. 4. **[EFFECTIVE DATE; LOCAL APPROVAL.]** Sections 1, 2 and 3 are effective after the Minneapolis City Council and its chief clerical official complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.