

**Proctor Police Department**  
**POLICE CIVIL SERVICE COMMISSION**  
**RULES AND REGULATIONS**

Amended this 6<sup>th</sup> day of December, 1993

Approved by Unanimous Vote of City Council  
December 6, 1993

Amended this 2<sup>nd</sup> day of May, 1994

Approved by Unanimous Vote of City Council  
May 16, 1994

Approved by Unanimous Vote of City Council  
June 16, 1997

Approved by Unanimous Vote of City Council  
March 17, 2008



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John Bray  
Proctor City Attorney

**POLICE CIVIL SERVICE COMMISSION**  
**RULES AND REGULATIONS**

Section 1. Definitions.

1. The word "Commission" used alone means the Police Civil Service Commission of the City of Proctor.
2. The word "Chief" used alone means the Chief of Police of the City of Proctor.
3. The term "position" included "office" and "employment."
4. The term "employee" includes all officers and employees in the Department.
5. The term "veteran" has the same meaning as is given to that term by the Minnesota Veteran's Preference Act, Minn. Stat. 197.46.

Section 2. Scope. These Rules shall apply to all positions in the Police Department of the City of Proctor.

Section 3. Requirements for Entrance and Promotion. Unless otherwise provided in these Rules, a person hereafter seeking appointment or promotion in the Police Department shall be required.

1. To file a written application on the form prescribed by the Commission;
2. To fulfill the minimum requirements and pass the tests prescribed by the Commission.
3. To be certified by the Commission for appointment in accordance with these Rules.

Section 4. Notice of Examination. At least ten (10) days before the Examination, notices shall be published in a local newspaper and posted at the City Hall and at each police station house. Within at least ten (10) days before the examination, notice of the date, place, and hour of examination shall be mailed to all applicants who are eligible for the examination.

Section 5. Applications. Applications must be filed on forms furnished by The Commission before the closing date set in the announcement. The Commission may require the candidate to furnish such additional information as it deems necessary regarding his/her health, character, and qualifications. All applications shall be retained until the expiration of the eligible register.

Section 6. Rejection of Applications. The Commission shall have the power to reject any application for any of the following reasons:

1. Failure to meet the minimum applications requirements;
2. Past record of crime or disgraceful conduct;
3. Giving false information;
4. Former dismissal from public or private service because of delinquency or misconduct.

Section 7. Examinations. The tests prescribed by the Commission may be written, oral, or in the form of a demonstration of skill, or any combination of these which in the judgment of the Commission will best serve to determine the relative fitness and ability of the applicants to perform the duties of the positions to which they seek appointment.

Section 8. Eligible Register. After the examinations have been graded, the Commission shall notify all candidates of the results and shall inform all candidates who pass the examination of the right of veterans to preference. All candidates who pass the examinations to the satisfaction of the Commission shall be placed on an eligible register ranked according to the total weighted scores, except that veterans shall be placed above all others in the order of their respective weighted scores. If two veterans or two non-veterans have the same weighted scores the name of the one who first filed his application shall be placed higher on the list. The life of the eligible register shall be two years; but whenever in the judgment of the Commission an emergency exists at the end of such period making it inadvisable to conduct another examination at that time, the life of the eligible register may be two years. No applicant's name shall remain on the eligible register during the extension period without a new application from such applicant.

Any candidate who fails to pass the examinations shall be notified by the Commission. All those who pass the examination shall be notified of their relative position on the eligible register.

Section 9. Certification. When a vacancy exists, the Commission shall certify to the appointing officer the name of the person standing highest on the eligible register.

Section 10. Probationary Period. Both original appointments and promotions shall be followed by the probationary period of one (1) year. During that period the appointing officer, after approval of the Commission, reject the appointee. All appointments, whether original or promotion, shall terminate automatically at the end of the probationary period unless the appointing officer shall, during the last month of the appointee's probation and after notification by the Commission, certify that such probationer performed services that were satisfactory and that the appointment should be made final.

A candidate for promotion who is rejected during the probationary period shall return to this former position.

Section 11. Temporary Appointments. In case of emergency, the Commission may be requested to certify names for appointment to a temporary position. The Commission shall certify the name of the individual standing highest on the eligible register who is willing to accept such temporary employment. If no one on the eligible register is willing to accept such temporary employment the Commission may certify the name of other qualified person. No temporary appointment shall continue for a period of longer than thirty (30) days nor shall successive temporary employments be permitted for the same position.

Section 12. Provisional Appointments. Upon receipt of a requisition for certification to a position for which there is no eligible list, the Commission may grant authority to the appointing officer to fill such position by a provisional appointment. Such provisional appointment shall remain in force not longer than ten (10) days after certification is made from an appropriate eligible register. Within sixty (60) days after granting such provisional appointment permit, the Commission shall hold an examination for such position. In no case shall any provisional appointment remain in force longer than ninety (90) days.

Section 13. Promotions. Competitive examinations shall be given for all promotions within the service. These examinations shall be open to anyone who can meet the minimum requirements of experience. However, the final position in the promotion register may be weighted in respect to efficiency, character, conduct, and seniority in the local department as the Commission sees fit.

Section 14. Discharge. No employee, after one (1) year of continuous employment, shall be discharged except for cause and according to the following procedure:

1. Written charges against the employee filed with the secretary of the Commission, either by a superior officer, a member of the Commission, the mayor, or a member of the Council;

2. Investigation of charges by the Commission after ten (10) days' notice;
3. An opportunity for the employee to be heard in his/her own defense;
4. A final decision by the Commission.

(See also Sec. 16 regarding Veteran's Preference rights.)

Section 15. Lay-off. Whenever it becomes necessary, from lack of work or funds or from other causes, to reduce the force, the Chief shall notify the Commission in writing at least two (2) weeks in advance, giving the number of positions to be vacated and the reasons therefore.

The Commission shall furnish in writing the names of the person or persons to be laid off and the order of lay-off. Temporary, provisional, and probationary appointees shall be laid off first in the order named. Permanent employees shall be laid off on the basis of the service records, which may be weighted in respect to efficiency, character, and seniority as the Commission sees fit.

Section 16. Suspension. For disciplinary purposes or pending investigation of the actions or conduct which may result in a cause for discharge or deduction the Chief shall have the power to suspend, with or without pay, any employee for a period not exceeding sixty (60) days; provided, discipline of any officer covered by the Minnesota Veteran's Preference Act, Minn. Stat. 197.46 et seq, shall be governed by the provisions of that Act.

Section 17. Transfers, Reductions. The transfer of an employee from a position in one class to another position in the same class, where both positions carry the same rate of compensation, shall be called an assignment and may be made by the Chief, who may assign such employees as in his judgment are qualified by ability and experience to such post, tasks, and duties as are necessary for the efficient operation of the service.

Any transfer of an employee involving a change from a position in one class to a position in another class for which a lower maximum rate of compensation is prescribed shall be a reduction or demotion and may be made only upon the recommendation of the Chief and approved by the Commission.

Section 18. Resignations. Any employee who wishes to resign in good standing shall give the Chief written notice of at least two (2) weeks, with a copy of the notice to be mailed to the Commission. If any employee resigns without giving the required notice, such failure may be considered sufficient reason for rejecting any further application from him/her. Any employee who is absent from

duty for more than three (3) consecutive days without securing leave from his/her superior officer or without notifying him of the reason for his/her absence and the time when he/she expects to return shall be considered to have resigned. Such absence shall be treated as a resignation without notice.

Section 19. Reinstatements. Any employee who has been given a special leave of absence or laid off in accordance with these rules shall be eligible for reinstatement to positions of the same class and grade as the position from which leave of absence or lay-off took place; provided, however, that such eligibility for reinstatement shall not continue longer than one year after such leave or lay-off except in cases coming within the applicable provisions of these Rules.

Section 20. Discipline. (See also Proctor Police Department Policy General Order 33 regarding pre-hearing inquiry and investigation) Section 33.1.4, General Order 33, the secretary of the Police Civil Service Commission shall forward a copy of the CHARGING FORM to the accused officer by registered mail to his/her last known address, which includes a formal notice which advises the accused officer that:

1. The Police Civil Service Commission shall try the charges at a public hearing to be held on a specified date, the date to be set after no less than ten (10) days' written notice to the accused.
2. The accused has the opportunity to be heard on the charges at that time. Failure to appear for the public hearing at the appointed time and date will result in the action of the Police Civil Service Commission being final (subject only to formal appeal).
3. That he/she may present any witnesses in his/her behalf and may compel their attendance by a subpoena as provided in Minn. Stat. 626.89. If necessary, a second hearing will be scheduled to hear testimony from witnesses so served.
4. The Police Civil Service Commission shall make an inquiry and determine whether the involved officer is a veteran for purposes of the Veterans' Preference statutes and follow the applicable procedures if the officer falls under the protection of said statutes.
5. Any hearing conducted by the Police Civil Service Commission; In the ordinary course of taking a formal statement under Minn. Stat. §626.89, a tape recording of the statement shall be made and a transcript thereof will be provided to the officer or his/her representative upon request.

Section 21. In the event that the charges are filed by a member of the Police Civil Service Commission, the complaining member shall not sit in judgment.

Section 22. As provide by law, each Commission member shall have the power to:

1. Issue subpoenas;
2. Administer oaths; and
3. Compel the attendance and testimony of witnesses and the productions of books and papers relevant to the investigation.

In addition, the Commission:

1. Shall require, by subpoena, the attendance of any witnesses requested by the accused who can be found in the county in which such city is located;
2. May make complaint to District Court of disobedience of its subpoenas or order—disobedience to subpoenas or orders to be termed as CONTEMPT OF COURT if deemed as being appropriately issued.

Witnesses shall be entitled the same fees and mileage as for attendance upon the District Court, except that any officer, agent, or employee of said city who receives compensation for his services shall not be entitled to fees or mileage.

Section 23. When, after investigation of charges and trial by the Police Civil Service Commission as herein provided, the charges alleged in the COMPLAINT FORM and the CHARGING FORM are sustained by the Commission, the accused officer may be removed, reduced in grade, be issued a letter of reprimand, or suspended without pay for a period not to exceed thirty (30) days as recommended by the Chief of Police or upon independent decision of the Commission.

Section 24. If the accused officer fails to appear for the public hearing of the charges against him/her, the lack of attendance shall be considered to be an admission of guilt.

Section 25. If the Commission determines that the charges are not substantiated, the accused, if he/she has been suspended pending investigation, shall be immediately reinstated and shall be paid back pay due for the period of suspension without pay.

## Section 26.

1. The secretary of the Police Civil Service Commission shall, within fourteen (14) days, file the findings and determination hereunder. Orders of suspension, reduction or removal shall be in writing, and it shall be the duty of the secretary of the Police Civil Service Commission to notify the accused officer by registered mail of said decision in the writing. Copies of the order shall also be forwarded to the Chief of Police and the City Clerk for information and appropriate action.
2. Whenever possible, the Chief of Police shall notify the complainant of the final disposition of the case in writing no sooner than twelve (12) days after the determination by the Civil Service Commission to allow ample time for the appeal process.

## Section 27. Officer's Appeal.

1. Any person suspended, reduced, or removed by the Police Civil Service Commission after investigation and trial as provided herein may appeal from the order to the District Court by serving written notice upon the secretary of the Police Civil Service Commission within ten (10) days after filing of said order or receipt of said employee of written notice of the order.
2. The secretary of the Police Civil Service Commission shall, within five (5) days after receipt of the written notice for appeal by the employee, certify to the Clerk of District Court the records of proceedings, including documents and minutes.

The case shall then be at issue and shall be placed on the calendar by the Clerk of the District Court to be tried before the Court without jury at the next general term thereof.

The question to be determined by the District Court shall be:  
"UPON THE EVIDENCE, WAS THE ORDER OF THE POLICE CIVIL SERVICE COMMISSION REASONABLE?"

After trial on the District Court, an appeal may be taken from the decision thereof to the Minnesota Court of Appeals or the Supreme Court by the employee or the Police Civil Service Commission in the same manner as provided for other court cases.

## Section 28. Probationary Officers

1. Any person on probation may be discharged by the Chief of Police without recourse with the consent of the Police Civil Service Commission.
2. The disciplinary procedures cited in Section 1 through 5 pertain only to those persons who have completed the required probationary period as established by rule or point of law.

## Section 29. Complaints – Chief

1. All complaints, including anonymous complaints, by citizens or a member of the Proctor Civil Service Commission, against the Chief alleging a violation of the Rules of Conduct shall be presented to the secretary of the Proctor Police Civil Service Commission. The complainant shall be given the name of the current secretary of the Proctor Civil Service Commission by the City Administrator. The secretary of the Proctor Civil Service Commission shall meet with the complainant and complaints shall be unsigned and designated as anonymous complaints.
2. The secretary of the Proctor Civil Service Commission shall forward a copy of the COMPLAINT FORM to the Chief of Police. The Chief of Police shall, within ten (10) days of receipt of the COMPLAINT FORM, furnish the secretary of the Proctor Civil Service Commission a written response to the complaint.
3. The Proctor Police Civil Service Commission shall at that time meet and determine if further investigation of the complaint is necessary. The Proctor Civil Service Commission can determine at that time that the complaint is without merit and follow the procedures set forth in General Order 33.1.5
4. If the Proctor Police Civil Service Commission determines that further investigation is necessary, they shall have the option of retaining an impartial investigator from outside the Proctor Police Department to conduct an investigation as provided in General Order 33.1.3. Based on the report of the impartial investigator, the Proctor Police Civil Service Commission may determine that the charge is without merit or order a hearing as provided by in Section 20.
5. All of the provisions of these disciplinary procedures that relate to officers shall apply to investigations regarding the Chief except as expressed in this Section.

Section 30. Applicable State Law

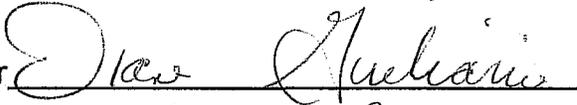
Minnesota State Statute 626.89, as amended, regarding peace officer discipline shall be incorporated herein by reference.

Section 31. Effective Date

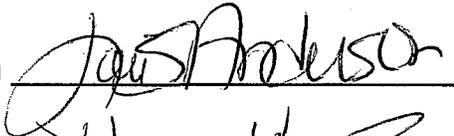
1. These Procedures shall become effective on March 17, 2008.

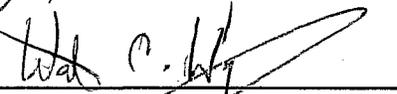
Adopted this 17 day of March, 2008 by the Proctor Civil Service Commission

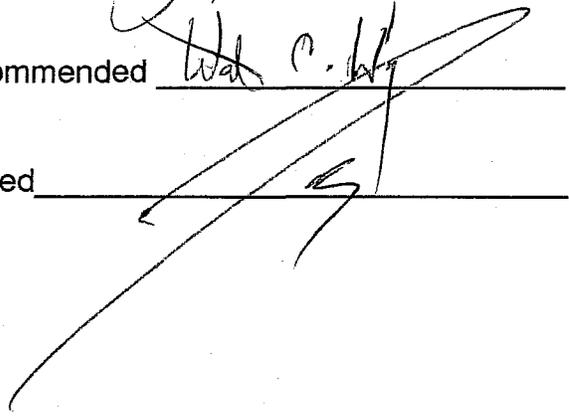
By:

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Secretary  Steve Elder

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