

lected as provided in any other action where the proceedings against a codefendant are dismissed.

5. The time during which any person is exempt from the service of a civil process under the provisions of this section, shall not be taken as any part of the time limited by law for the commencement of any civil action in favor of or against any such person.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 13, 1917.

No. 227, S.]

[Published June 16, 1917.

CHAPTER 410

AN ACT to amend section 4 of chapter 313 of the laws of 1895, as amended by chapter 547 of the laws of 1911, and chapter 320 of the laws of 1915, to regulate the civil service of cities and providing for discharges of civil service employes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4 of chapter 313, laws of 1895, as amended by chapter 547, laws of 1911, and chapter 320, laws of 1915, is amended to read: (Chapter 313, laws of 1895).
 Section 4. From and after the adoption of such rules, all appointments to subordinate offices, positions, and employments in the several departments of the service of such city, which are subject to such rules, shall be made by the respective heads of such departments under and in conformity with the provisions of such rules, and such heads of departments shall respectively have power to remove, * * * discharge * * * *reduce or suspend* any person holding any subordinate office, position, or employment in their respective departments, for *any just and adequate cause* which shall not be religious or political, * * *
No person or employe, subject to the rules of the city service commission, shall be removed, discharged, reduced or suspended for a term exceeding 30 days by the head of a department or the appointing power, except for cause and after trial as herein provided. The head of a department or appointing power, who shall remove, discharge, reduce or suspend any employe for a period exceeding 30 days, shall, if within 10 days after such removal, discharge, reduction or suspension a written appeal is made by the person or employe so removed, discharged, reduced or suspended to the city service commission, file a complaint in writing, setting forth his reasons for such removal, discharge,

reduction or suspension. The notice of appeal shall be in the following or similar form:

To the Honorable Board of City Service Commissioners:

Please take notice that I appeal from the order or decision of

State name and official title

discharging (removing, reducing or suspending) me from service, which said order of discharge (removal, reduction or suspension) was made on the-----day of-----, 19-----

Said board after receiving said notice of appeal, shall, within five days serve the appellant with a copy of the complaint and a notice fixing the time and place of trial, which time of trial shall not be less than five days nor more than fifteen days after service of the notice and a copy of the complaint.

Notice of the time and place of such trial, together with a copy of the charges preferred shall be served upon the accused in the same manner that a summons is served in this state.

The accused and the officer, who has made the discharge, removal, reduction or suspension, shall have the right to an adjournment of the trial or investigation of such charges not to exceed a period of fifteen days. In the course of any trial or investigation under this section each member of the board of city service commissioners shall have the power to administer oaths, secure by its subpoenas both the attendance of witnesses and the production of books and papers relevant to such trial and investigation, and to compel witnesses to answer and to punish for contempt in the same manner provided by law in trials before justices of the peace for failure to answer or to produce books necessary for the trial. The trial shall be public and all witnesses shall be under oath. The accused shall have full opportunity to be heard in his own defense and shall be entitled to secure the attendance of all witnesses necessary for his defence at the expense of the city; and the city in which said department is located may be represented by the city attorney, for the purpose of advising the commission, but the city attorney shall not conduct the hearing for the commission. All evidence shall be taken by a stenographic reporter, who shall be first sworn to perform the duties of a stenographic reporter in taking evidence in said matter fully and fairly to the best of his ability.

Within three days after hearing the matter the board shall, by a majority vote of its members, determine whether by a preponderance of the evidence the charges are sustained. If the board shall determine that the charges are sustained they shall at once determine whether the good of the service requires that

the accused shall be permanently discharged or shall be suspended without pay for a period not exceeding sixty days or reduced from a higher to a lower position. If the charges shall not be sustained the accused shall be immediately reinstated in his former position, without prejudice, and the accused shall not be deprived of any salary for the period of time he may be suspended preceding an investigation or trial unless the charges are sustained. In case an employe is suspended for a period of thirty days and reemployed for a short period and then again suspended for a period of thirty days, the person so suspended shall have the right of trial by the commission on the second suspension or any subsequent suspension, the same as herein provided. It is expressly understood that this provision is for the purpose of avoiding successive suspensions by the appointing power for the purpose of avoiding the provisions of this act. The decision and findings of the board shall be in writing and shall be filed, together with a transcript of the evidence, with the secretary of the board, and shall be forthwith certified to, and enforced by, the head of the department or appointing officer.

SECTION 2. The provisions of the above section shall not apply to removals of persons in any department of the city where such department is under the supervision and control of a board or commission of three or more members but every such board or commission shall establish rules relating to the removal, discharge or suspension of employes in its department; provided, however, that no such employe shall be removed, discharged or suspended for religious or political reasons and any discharged or suspended employe shall have the right to a trial and determination by such board or commission as to whether there existed sufficient grounds for his removal, discharge or suspension and the determination of such board or commission shall be final in the matter.

SECTION 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 13, 1917.