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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **822**

02/07/2019 Authored by Xiong, J.; Ecklund; Lislegard; Sundin and Lueck
The bill was read for the first time and referred to the Veterans and Military Affairs Finance and Policy Division

1.1 A bill for an act
1.2 relating to veterans; establishing a veterans preference in hiring in the legislature
1.3 and state courts; amending Minnesota Statutes 2018, section 197.455, subdivision
1.4 1; proposing coding for new law in Minnesota Statutes, chapters 3; 480.

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

1.6 Section 1. **[3.071] VETERANS PREFERENCE IN HIRING.**

1.7 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
1.8 meanings given:

1.9 (1) "disabled veteran" means a person who has a compensable service-connected disability
1.10 as adjudicated by the United States Veterans Administration, or by the retirement board of
1.11 one of the several branches of the armed forces, which exists at the time preference is
1.12 claimed;

1.13 (2) "recently separated veteran" means a veteran who has (i) served in active military
1.14 service at any time on or after September 11, 2001, and (ii) been honorably discharged from
1.15 active service, as demonstrated by the person's form DD-214; and

1.16 (3) "veteran" has the meaning given in section 197.447.

1.17 Subd. 2. **Ranking of veterans.** Applicants who meet the minimum qualifications for a
1.18 vacant position in the legislature and claim disabled veterans preference must be listed in
1.19 the applicant pool ahead of all other applicants. Applicants who meet the minimum
1.20 qualifications for a vacant position in the legislature and claim nondisabled veterans
1.21 preference must be listed in the applicant pool after those claiming disabled veterans
1.22 preference but ahead of nonveterans. Each recently separated veteran who meets minimum

qualifications for a vacant position in the legislature and has claimed a veterans or disabled veterans preference must be considered for the position. The top three recently separated veterans who meet the minimum qualifications for a vacant position in the legislature must be granted an interview for the position by the hiring legislative body.

Subd. 3. **Notification.** When posting or advertising a vacant position, the hiring legislative body must specify that an applicant may elect to claim a veterans preference or a disabled veterans preference.

Subd. 4. **Rejection; explanation.** If the legislature rejects an applicant who has claimed veterans preference and who was in the finalist pool or who was interviewed, the hiring legislative body must notify the finalist in writing of the reasons for the rejection.

Subd. 5. **Preference for spouses.** A preference available under this section may be used by (1) the surviving spouse of a deceased veteran; or (2) the spouse of a disabled veteran who, because of the disability, is unable to qualify.

Sec. 2. Minnesota Statutes 2018, section 197.455, subdivision 1, is amended to read:

Subdivision 1. **Application.** (a) This section shall govern preference of a veteran under the civil service laws, charter provisions, ordinances, rules or regulations of a county, home rule charter or statutory city, town, school district, or other municipality or political subdivision of this state. Any provision in a law, charter, ordinance, rule or regulation contrary to the applicable provisions of this section is void to the extent of such inconsistency.

(b) Sections 197.46 to 197.481 also apply to a veteran who is an incumbent in a classified appointment in the state civil service, legislature, and state courts and has completed the probationary period for that position, as defined under ~~section~~ sections 3.071, 43A.16, and 480.238. In matters of dismissal from such a position, a qualified veteran has the irrevocable option of using the procedures described in sections 197.46 to 197.481, or the procedures provided in the collective bargaining agreement applicable to the person, but not both. For a qualified veteran electing to use the procedures of sections 197.46 to 197.481, the matters governed by those sections must not be considered grievances under a collective bargaining agreement, and if a veteran elects to appeal the dispute through those sections, the veteran is precluded from making an appeal under the grievance procedure of the collective bargaining agreement.

(c) A county, home rule charter or statutory city, town, school district, or other municipality or political subdivision may require a veteran to complete an initial hiring probationary period, as defined under section 43A.16. In matters of dismissal, a veteran

employed by a county, home rule charter or statutory city, town, school district, or other municipality or political subdivision is entitled to the same rights and legal protections that state employees receive under paragraph (b).

Sec. 3. **[480.238] VETERANS PREFERENCE IN HIRING.**

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given:

(1) "disabled veteran" means a person who has a compensable service-connected disability as adjudicated by the United States Veterans Administration, or by the retirement board of one of the several branches of the armed forces, which exists at the time preference is claimed;

(2) "recently separated veteran" means a veteran who has (i) served in active military service at any time on or after September 11, 2001, and (ii) been honorably discharged from active service, as demonstrated by the person's form DD-214; and

(3) "veteran" has the meaning given in section 197.447.

Subd. 2. Ranking of veterans. Applicants who meet the minimum qualifications for a vacant position and claim disabled veterans preference must be listed in the applicant pool ahead of all other applicants. Applicants who meet the minimum qualifications for a vacant position in a state court and claim nondisabled veterans preference must be listed in the applicant pool after those claiming disabled veterans preference but ahead of nonveterans. Each recently separated veteran who meets minimum qualifications for a vacant position in a state court and has claimed a veterans or disabled veterans preference must be considered for the position. The top five recently separated veterans who meet the minimum qualifications for a vacant position in a state court must be granted an interview for the position.

Subd. 3. Notification. When notifying applicants that they have been accepted into the selection process, the court administrator or hiring authority, shall notify applicants that they may elect to use veterans preference.

Subd. 4. Rejection; explanation. If the court administrator or hiring authority rejects a member of the finalist pool who has claimed veterans preference, the court administrator or hiring authority must notify the finalist in writing of the reasons for the rejection.

Subd. 5. Preference for spouses. A preference available under this section may be used by (1) the surviving spouse of a deceased veteran; or (2) the spouse of a disabled veteran who, because of the disability, is unable to qualify.