

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5451

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DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to State and Local Government and Veterans

1.1 A bill for an act
1.2 relating to veterans; expanding veterans hiring preference to include certain active
1.3 service members who will be honorably discharged within 120 days; amending
1.4 Minnesota Statutes 2022, sections 43A.11; 197.455, subdivisions 2, 6; 197.4551.

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

1.6 Section 1. Minnesota Statutes 2022, section 43A.11, is amended to read:

1.7 **43A.11 VETERAN'S PREFERENCE.**

1.8 Subdivision 1. **Creation.** Recognizing that training and experience in the military services
1.9 of the government and loyalty and sacrifice for the government are qualifications of merit
1.10 which cannot be readily assessed by examination, a veteran's preference shall be available
1.11 pursuant to this section to ~~a veteran as defined in section 197.447~~ veterans.

1.12 Subd. 5. ~~Disabled veteran;~~ **Definitions.** (a) For purposes of this section, "veteran"
1.13 means:

1.14 (1) a person who satisfies the definition in section 197.447; or

1.15 (2) a person in active military service in any branch of the armed services when the
1.16 appointing authority anticipates the person will, prior to appointment, satisfy the definition
1.17 in section 197.447, as evidenced by a written document from the person's branch certifying
1.18 that the person is expected to be discharged or released from active military service under
1.19 honorable conditions no later than 120 days after the date the certification is submitted for
1.20 consideration in the selection process.

1.21 (b) For the purpose of the preference to be used in securing appointment from an applicant
1.22 pool, "disabled veteran" means a person who:

2.1 (1) has a compensable service connected disability as adjudicated by the United States
2.2 Veterans Administration, or by the retirement board of one of the several branches of the
2.3 armed forces, which disability is existing at the time preference is claimed; or

2.4 (2) satisfies the definition of veteran in paragraph (a), clause (2), and establishes the
2.5 present existence of a service-connected disability.

2.6 Subd. 6. **Preference for spouses.** A preference available pursuant to this section may
2.7 be used by the surviving spouse of a deceased veteran and by the spouse of a disabled
2.8 veteran who because of the disability is unable to qualify.

2.9 Subd. 7. **Ranking of veterans.** (a) Applicants who meet the minimum qualifications
2.10 for a vacant position and claim disabled veteran's preference shall be listed in the applicant
2.11 pool ahead of all other applicants. Applicants who meet the minimum qualifications for a
2.12 vacant position and claim nondisabled veteran's preference shall be listed in the applicant
2.13 pool after those claiming disabled veteran's preference and ahead of nonveterans. Each
2.14 recently separated veteran who meets minimum qualifications for a vacant position and has
2.15 claimed a veterans or disabled veterans preference must be considered for the position. The
2.16 top five recently separated veterans must be granted an interview for the position by the
2.17 hiring authority.

2.18 (b) For purposes of this section, the term "recently separated veteran" means:

2.19 (1) a veteran, as defined in ~~section 197.447~~ subdivision 5, paragraph (a), clause (1), who
2.20 has served in active military service, at any time on or after September 11, 2001, and who
2.21 has been honorably discharged from active service, as shown by the person's form DD-214;
2.22 or

2.23 (2) a veteran, as defined in subdivision 5, paragraph (a), clause (2).

2.24 Subd. 8. **Notification.** The commissioner or an appointing authority, when notifying
2.25 applicants that they have been accepted into the state's selection process, shall notify
2.26 applicants that they may elect to use veteran's preference.

2.27 Subd. 9. **Rejection; explanation.** If the appointing authority rejects a member of the
2.28 finalist pool who has claimed veteran's preference, the appointing authority shall notify the
2.29 finalist in writing of the reasons for the rejection.

2.30 Subd. 10. **Verification required.** Before appointing a person who received veteran's
2.31 preference in the selection process under subdivision 5, paragraph (a), clause (2), or
2.32 subdivision 7, paragraph (b), clause (2), the appointing authority must verify that the person

3.1 has been separated under honorable conditions, as shown by the person's form DD-214,
 3.2 and has otherwise satisfied the definition of veteran under section 197.447.

3.3 Sec. 2. Minnesota Statutes 2022, section 197.455, subdivision 2, is amended to read:

3.4 Subd. 2. **Creation.** Recognizing that training and experience in the military services of
 3.5 the government and loyalty and sacrifice for the government are qualifications of merit
 3.6 which cannot be readily assessed by examination, a veteran's preference shall be available
 3.7 to a veteran as defined in section ~~197.447~~ 43A.11, subdivision 5, paragraph (a).

3.8 Sec. 3. Minnesota Statutes 2022, section 197.455, subdivision 6, is amended to read:

3.9 Subd. 6. **Disabled veteran; definitions.** For the purpose of the preference to be used in
 3.10 securing appointment from a competitive open examination, "disabled veteran" ~~means a~~
 3.11 ~~person who has a compensable service-connected disability as adjudicated by the United~~
 3.12 ~~States Veterans Administration, or by the retirement board of one of the several branches~~
 3.13 ~~of the armed forces, which disability is existing at the time preference is claimed~~ has the
 3.14 meaning given in section 43A.11, subdivision 5, paragraph (b). For purposes of the preference
 3.15 to be used in securing appointment from a competitive promotional examination, "disabled
 3.16 veteran" means a person who, at the time of election to use a promotional preference, is
 3.17 entitled to disability compensation under laws administered by the Veterans Administration
 3.18 for a permanent service-connected disability rated at 50 percent or more.

3.19 Sec. 4. Minnesota Statutes 2022, section 197.4551, is amended to read:

3.20 **197.4551 PERMISSIVE PREFERENCE FOR VETERANS IN PRIVATE**
 3.21 **EMPLOYMENT.**

3.22 Subdivision 1. **Preference permitted.** A private, nonpublic employer may grant
 3.23 preference to a veteran in hiring and promotion. For purposes of hiring under this section,
 3.24 "veteran" has the meaning given in section 43A.11, subdivision 5, paragraph (a).

3.25 Subd. 2. **Preference for spouse of disabled or deceased veteran; definition.** A private,
 3.26 nonpublic employer may grant preference in hiring and promotion to a spouse of a disabled
 3.27 veteran who has a service-connected permanent and total disability and to a surviving spouse
 3.28 of a deceased veteran. For purposes of promotion under this section, "disabled veteran" ~~in~~
 3.29 ~~this subdivision~~ means a person who has had a compensable service-connected disability
 3.30 as adjudicated by the United States Veterans Administration, or by the retirement board of
 3.31 one of the several branches of the armed forces. For purposes of hiring under this section,
 3.32 "disabled veteran" has the meaning given in section 43A.11, subdivision 5, paragraph (b).

- 4.1 Subd. 3. **Equal employment opportunity law.** Granting preference under subdivision
- 4.2 1 or 2 does not violate any local or state equal employment opportunity law, including, but
- 4.3 not limited to, chapter 363A.