

1.1 moves to amend H.F. No. 3168, the first engrossment, as follows:

1.2 Page 16, after line 14, and insert:

1.3 "Sec. Minnesota Statutes 2014, section 197.455, subdivision 1, is amended to read:

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

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

1.19 (c) A county, city, town, school district, or other municipality or political subdivision
1.20 may require a veteran to complete an initial hiring probationary period, as defined under
1.21 section 43A.16. In matters of dismissal, a veteran employed by a county, city, town,
1.22 school district, or other municipality or political subdivision is entitled to the same rights
1.23 and legal protections that state employees receive under paragraph (b)."

1.24 Page 16, delete section 19, and insert:

1.25 "Sec. 20. Minnesota Statutes 2015 Supplement, section 197.46, is amended to read:

2.1 **197.46 VETERANS PREFERENCE ACT; REMOVAL FORBIDDEN; RIGHT**
2.2 **OF MANDAMUS.**

2.3 (a) Any person whose rights may be in any way prejudiced contrary to any of the
2.4 provisions of this section, ~~shall be~~ is entitled to a writ of mandamus to remedy the wrong.
2.5 After any initial hiring probationary period expires, no person holding a position either
2.6 in the state civil service or by appointment or employment in the several counties any
2.7 county, cities city, towns town, school districts and all district, or any other political
2.8 subdivisions subdivision in the state; who is a veteran separated from the military service
2.9 under honorable conditions, shall be removed from ~~sueh~~ the position or employment
2.10 except for incompetency or misconduct shown after a hearing, upon due notice, upon
2.11 stated charges, in writing.

2.12 (b) Any veteran who has been notified of the intent to discharge the veteran from an
2.13 appointed position or employment pursuant to this section shall be notified in writing of
2.14 ~~sueh~~ the intent to discharge and of the veteran's right to request a hearing within ~~60~~ 30
2.15 days of receipt of the notice of intent to discharge. The failure of a veteran to request a
2.16 hearing within the provided ~~60-day~~ 30-day period ~~shall constitute~~ constitutes a waiver
2.17 of the right to a hearing. ~~Sueh~~ The failure ~~shall~~ also ~~waive~~ waives all other available
2.18 legal remedies for reinstatement.

2.19 Request for a hearing concerning such a discharge shall be made in writing and
2.20 submitted by mail or personal service to the employment office of the concerned employer
2.21 or other appropriate office or person. If the veteran requests a hearing under this section,
2.22 ~~sueh~~ the written request must also contain the veteran's election to be heard by a civil
2.23 service board or commission, a merit authority, or a ~~three-person panel~~ an arbitrator
2.24 as defined in paragraph (c). If the veteran fails to identify the veteran's election, the
2.25 governmental subdivision may select the hearing body.

2.26 (c) In all governmental subdivisions having an established civil service board or
2.27 commission, or merit system authority, ~~sueh~~ the veteran may elect to have the hearing for
2.28 removal or discharge ~~shall be held~~ before ~~sueh~~ the civil service board or commission or
2.29 merit system authority, or before an arbitrator as specified in this paragraph. Where no
2.30 ~~sueh~~ civil service board or commission or merit system authority exists, ~~sueh~~ the hearing
2.31 shall be held by ~~a board of three persons appointed as follows: one by the governmental~~
2.32 ~~subdivision, one by the veteran, and the third by the two so selected~~ an arbitrator. In cases
2.33 where a hearing will be held by an arbitrator, the employer shall request from the Bureau
2.34 of Mediation Services a list of seven persons to serve as an arbitrator. The employer
2.35 shall strike the first name from the list and the parties shall alternately strike names from
2.36 the list until the name of one arbitrator remains. After receiving each of the employer's

3.1 elections to strike a person from the list, the veteran has 48 hours to strike a person from
3.2 the list. The person remaining after the striking procedure must be the arbitrator. Upon the
3.3 selection of the arbitrator, the employer shall notify the designated arbitrator and request
3.4 available dates to hold the hearing. In the event that the hearing is authorized to be held
3.5 before a three-person board an arbitrator, the governmental subdivision's notice of intent
3.6 to discharge shall state that the veteran must respond within 60 30 days of receipt of the
3.7 notice of intent to discharge, and provide in writing to the governmental subdivision the
3.8 name, United States mailing address, and telephone number of the veteran's selected
3.9 representative for the three-person board. The failure of a veteran to submit the name,
3.10 address, and telephone number of the veteran's selected representative to the governmental
3.11 subdivision by mail or by personal service within the provided notice's 60-day period, shall
3.12 constitute a waiver of the veteran's right to the hearing and all other legal remedies available
3.13 for reinstatement of the veteran's employment position. In the event the two persons
3.14 selected by the veteran and governmental subdivision do not appoint the third person within
3.15 ten days after the appointment of the last of the two, then the judge of the district court of
3.16 the county wherein the proceeding is pending, or if there be more than one judge in said
3.17 county then any judge in chambers, shall have jurisdiction to appoint, and Upon application
3.18 of either or both of the two so selected shall appoint, the third person to the board and the
3.19 person so appointed by the judge with the two first selected shall constitute the board.

3.20 (d) Either the veteran or the governmental subdivision may appeal from the decision
3.21 of the board hearing body upon the charges to the district court by causing written notice
3.22 of appeal, stating the grounds thereof of the appeal, to be served upon the other party
3.23 within 15 days after notice of the decision and by filing the original notice of appeal
3.24 with proof of service thereof in the office of the court administrator of the district court
3.25 within ten days after service thereof. Nothing in section 197.455 or this section shall be
3.26 construed to apply to the position of private secretary, superintendent of schools, or one
3.27 chief deputy of any elected official or head of a department, or to any person holding a
3.28 strictly confidential relation to the appointing officer. Nothing in this section shall be
3.29 construed to apply to the position of teacher. The burden of establishing such relationship
3.30 shall be upon the appointing officer in all proceedings and actions relating thereto.

3.31 (e) For disputes heard by a civil service board, commission or merit system
3.32 authority, or by an arbitrator, the political governmental subdivisions shall bear all costs
3.33 associated with the hearing but not including attorney fees for attorneys representing the
3.34 veteran. For disputes heard by a three-person panel, all parties shall bear equally all costs
3.35 associated with the hearing, but not including attorney fees for attorneys representing the
3.36 veteran. If the veteran prevails in a dispute heard by a civil service board or a three-person

4.1 ~~panel,~~ commission or merit system authority, or by an arbitrator and the hearing reverses
4.2 ~~all aspects of~~ the level of the alleged incompetency or misconduct requiring discharge, the
4.3 governmental subdivision shall pay the veteran's reasonable attorney fees.

4.4 (f) All officers, boards, commissions, and employees shall conform to, comply with,
4.5 and aid in all proper ways in carrying into effect the provisions of section 197.455 and this
4.6 section notwithstanding any laws, charter provisions, ordinances or rules to the contrary.
4.7 Any willful violation of such sections by officers, officials, or employees is a misdemeanor."

4.8 Renumber the sections in sequence and correct the internal references

4.9 Amend the title accordingly