HOUSE RESEARCH =

Bill Summary =

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Overview

Background: Current Minnesota Veterans Preference law, applicable to both State Civil Service and Local Government appointees and employees, provides that:

No person holding a position by appointment or employment in the several counties, cities, towns, school districts and all other political subdivisions in the state, who is a veteran separated from the military service under honorable conditions, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, in writing. (Minn. Stat. § 197.46)

In all governmental subdivisions having an established civil service board or commission, or merit system authority, such hearing for removal or discharge shall be held before such civil service board or commission or merit system authority.

Current law also states that any veteran who has been notified of the intent of dismissal from the appointed position or employment must be notified in writing of the veteran's right to request a hearing within 60 days of receipt of the notice of intent to discharge. The failure of a veteran to request a hearing within the provided 60-day period shall constitute a waiver of the right to a hearing, and shall also effectively waive all other available legal remedies for reinstatement.

The law further provides that in all governmental subdivisions having an established civil service board or commission, or merit system authority, such hearing for removal or discharge shall be held before a civil service board or commission or merit system authority. Where none exists, it shall be held by a board of three persons appointed in a manner prescribed by law: i.e., one by the governmental unit, one by the veteran, and one by those two appointed members.

The H2495A1 Amendment would add a requirement that, in the event that the hearing is authorized to be held before a three-person board, one of whom is appointed by the veteran, the governmental subdivision's notice of intent to discharge shall state that the veteran must respond within 60 days of receipt of notice and must provide in writing to the governmental subdivision the name and contact information for the veteran's appointment to the hearing board. The failure to provide that information shall constitute a waiver of the veteran's right to the hearing and all other legal remedies available for reinstatement to the position of employment.

Note: It is by cross-reference from Minn. Stat. § 197.455 (Veterans Preference Applied), subd. 1(b), that Veterans Preference Dismissal law (Minn. Stat. §§ 197.46 to 197.481), enacted initially to apply only to Local Government employment, and is applied as well to State Civil Service.