

Veteran's Preference in State and Local Government Employment

What is veteran's preference?

The Minnesota Veteran's Preference Act (VPA) grants veterans a limited preference over nonveterans in hiring and promotion for most state and local governmental employment. It also provides local government employees who are veterans some protection against unfair demotions and dismissal.

These preferences and protections are commonly referred to as "veteran's preference" and are codified in [Minnesota Statutes sections 43A.11, 197.455, 197.46, 197.48, and 197.481](#).

Who is a veteran or a disabled veteran?

For purposes of veteran's preference, "veteran" is defined in [Minnesota Statutes sections 197.447](#), and "disabled veteran" is defined both in [Minnesota Statutes sections 43A.11](#), subdivision 5 (for state civil service), and slightly differently in [Minnesota Statutes sections 197.455](#), subdivision 6 (for political subdivisions). These definitions are rather detailed and should be read directly.

To which positions does veteran's preference apply?

Minnesota veteran's preference applies to most positions of employment in state civil service, as well as to most positions within political subdivisions. VPA *does not apply* to employment in the private sector or federal government.

How does veteran's preference apply to state civil service?

In state civil service, people who claim veteran's preference and who meet the minimum qualifications for a vacant state government position are listed before qualified nonveteran applicants in the applicant pool for the position. Disabled veterans must be listed ahead of nondisabled veterans.

The state appointing authority may hire anyone in the pool, but if it rejects a person in the finalist pool who has claimed veteran's preference, it must notify the person of the reasons for the rejection. ([Minn. Stat. § 43A.11](#))

In state civil service, veteran's preference applies only to hiring, not to dismissal.

How does veteran's preference apply to political subdivisions?

For political subdivisions (including counties, cities, towns, school districts, and any other political subdivisions), nondisabled veterans who have a passing score or rating on an exam can elect to receive a credit of five points (on a 100-point scale). Disabled veterans with passing ratings on an exam can elect to receive a credit of ten points. A disabled veteran can also elect to receive a credit of five points on the person's first promotional exam after securing public employment. ([Minn. Stat. § 197.455](#))

How does veteran's preference work in dismissal?

A veteran holding a position of appointment or employment in any political subdivision can be removed from that position only for incompetence or misconduct established in a hearing, with due notice and stated charges in writing.

Exempted from such protection are veterans working as a secretary, teacher, superintendent of schools, chief deputy of any elected official or head of a department, or any person holding a strictly confidential relation to an appointing officer. ([Minn. Stat. § 197.46](#)) (Veteran's preference protections in dismissals also do not apply to state civil service, and veteran's preference laws in general do not apply to the University of Minnesota.)

How are veteran's preference laws enforced?

A veteran who has been denied veteran's preference rights by the state or any political subdivision of the state may petition the commissioner of veterans affairs for an order directing the agency to grant the relief that the commissioner finds justified. The commissioner is given broad powers of subpoena, as well as access to records, witnesses, and documents. The affected political subdivision must bear all costs incurred by the commissioner for this purpose.

In accordance with various provisions of the Administrative Procedure Act ([Minn. Stat. ch. 14](#)), either party may appeal the commissioner's orders to the district court. The commissioner and attorney general may represent the veteran in any appeal following a favorable decision for the veteran. When a party refuses or fails to comply with a final decision of the commissioner, the commissioner may ask the Ramsey County District Court to order the party to comply and award damages. ([Minn. Stat. § 197.481](#))

Are retired military personnel eligible for veteran's preference?

Since the post-Vietnam War era, persons who were eligible for a military pension based entirely on years of military service were not eligible for veteran's preference in Minnesota. However, that statutory provision was repealed in 2005. Retired military veterans now have the same preference as other veterans in state and local government hiring.

For more information: Contact the Minnesota Department of Veterans Affairs at 651-757-1568. For federal veteran's preference laws, contact the local veterans' representative for the U.S. Department of Labor at 651-259-7511.

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