

DATE: June 29, 2009

TO: Human Resource Directors

FROM: Judy Plante, Assistant Commissioner

RE: Implementation of New Veteran Legislation Requirements 43A.11 Subd7.

This memo provides guidelines and resources to implement the new veteran interview and reporting requirement legislation effective July 1, 2009. On behalf of Minnesota Management & Budget (MMB) I want to thank agency Human Resource Directors and staff for sharing their concerns and providing suggestions for the implementation of this legislation.

This memo was prepared by Nancy Erickson with assistance from other MMB staff. My thanks to them for their work on this issue.

This memo includes:

- Summary of the new interview and reporting requirement legislation
- Link to the new veteran legislation
- MMB preparation for the new veteran legislation
- State agency responsibilities
- Instructions for filling vacancies after July 1, 2009
- Sample hiring scenarios
- FAQ's regarding the new veteran legislation
- Contact information
- Appendix: Resources and sample of various letters

### Summary of New Veteran Legislation

- **Effective July 1, 2009, new legislation provides that the top five “Recently Separated Veterans”, who meet the minimum qualifications, must be granted an interview for a vacant position.** A “Recently Separated Veteran (RSV)” is a veteran who has served in active military service on or after September 11, 2001 and has been honorably discharged as shown by the DD-214.

- The Commissioner of MMB must collect and report data annually from each cabinet-level state agency regarding the status of veterans throughout the hiring process. This includes the number of veterans who were sent rejection letters. MMB will compile this data (based upon input of agency data entry) from Resumix and SEMA4.

## **New Veteran Interview and Reporting Requirements Legislation**

*See Appendix A: 43A.11*

### **MMB Preparations**

To prepare for the new legislation requirements MMB is:

- Updating fields in Resumix and Manager's Referral to capture RSV status
- Updating the veteran preference section in the "Supplemental Information" page in Resume Builder which will allow veterans to self-identify RSV status
- Updating the paper employment application
- Updating the career website and the veteran web page with information about the veterans responsibility regarding the new veteran interview legislation
- Developing standard veteran letters for agency use
- Sending an email to the active veterans in the applicant tracking database about the new interview legislations and their responsibility.
- Determining how to update the SEMA4 veteran field to meet legislative reporting requirements

Note: Not all the Resumix and SEMA4 updates will be completed by July 1, 2009. MMB will notify agencies when the updates are completed.

### **State Agency Responsibilities:**

- Continue to conduct your hiring process as you do now
- If five or fewer qualified RSVs apply to a vacant position, the agency must invite those veterans to interview.
- Verify DD-214 of all veterans at time of interview
- Update action/reason tracking codes of all applicants in Resumix
- Document the selection process as you do now
- Send email to all applicants who "self-nominate" at some point in the hiring process.
- Send "rejection" "notification to veterans
- Respond to inquiries/challenges from applicants

## **Instructions for Filling Vacancies after July 1, 2009**

Continue to follow your current hiring process. Many agencies have delegated authority and we are confident agencies will continue to fill their positions based upon merit principles and EEO policies. **Basically, the new legislation requires that if the agency has five or fewer “Recently Separated Veterans” who meet the minimum qualifications for a vacancy, they must be invited to interview.**

- Continue to conduct your hiring process in the same manner as you do now.
- Determine who is an RSV –
  - Until the Resumix and Manager’s Referral are updated, agencies will need to query Resumix to find the applicants who indicated qualifying for veterans preference. Your agency will send an email to those veterans and ask the veteran to contact the hiring agency if they are a RSV.  
*See Appendix B: Template letter for all veterans who apply to your vacancy*  
*See Appendix D: Instructions to query veteran applicants in Resumix*
- If five or fewer qualified RSVs apply to a vacant position, the agency must invite these veterans to interview.
- Ask all veteran applicants to bring their DD-214 to the interview.  
*Appendix D: Sample of DD-214*
- To meet statutory requirements, send “rejection” letters to veterans.  
*Appendix E: “Does not meet minimum qualifications letter” and “End of process letter.”*

## **Sample Hiring Scenarios**

### **ITS 3 Vacancy Announced Competitively**

- 194 applicants apply
- 120 meet the MQs (17 are RSVs)
- 6 applicants are invited to interview. 1 of the 6 is an RSV.
- Agency must invite 4 more RSVs to interview
- 10 interviews are scheduled
- 1 job is offered

### **Accounting Officer Senior Announced as Agency Only Promotional**

- 16 employees apply
- 5 employees meet the MQs (1 of the employees is an RSV)
- 5 employees are interviewed
- 1 job is offered

### **Security Guard Announced Competitively**

- 117 applicants apply
- 29 meet MQs (10 are RSVs)
- 10 are invited to interview (3 are RSVs)
- Agency must invite 2 more RSVs to interview
- 12 interviews are scheduled
- 1 job is offered.

### **Filling Multiple Positions With One Job Announcement**

- Please contact [Joe.smiley@state.mn.us](mailto:Joe.smiley@state.mn.us) or 651-259-3644 to discuss the process.

## **FAQs about the New Veteran Legislation**

### **What does “vacant position” mean in the veteran interview legislation?**

All unlimited classified vacancies (i.e full-time, part-time, seasonal, and intermittent).

### **What does “qualified” mean in the veteran interview legislation?**

The veteran meets the minimum qualifications for the vacant position.

### **How should the agency determine the top 5 RSV candidates?**

Continue to follow your current practices to select the top candidates. As always, hiring supervisors need to be able to articulate the job-related reasons why some candidates moved forward in the process and some candidates fell out of the process. The hiring supervisor should be able to articulate the job-related reasons a candidate was interviewed and hired.

### **How will legislative changes be monitored?**

Agency HR directors and staffing experts recommend the agencies work through situations as they arise for the first couple months. MMB and agency HR staff will meet in September to share experiences, determine needs, identify options, and work together to develop guidelines.

### **Can the agency conduct telephone interviews?**

Yes, keeping in mind that hiring practices are to be fair and consistently applied.

### **What if an agency invites 5 RSVs to interview and 2 decline the interview?**

You do not need to contact two more RSV to interview. “Granted” an interview is interpreted as invited to interview.

### **Are veterans considered a protected group?**

No, for affirmative action purposes, veterans are not considered a protected group. The protected groups for affirmative action purposes continue to be women, minorities and people with a disability. This law only grants RSVs an interview.

### **How does this impact bargaining language?**

Bargaining unit provisions will not be impacted. Union rights and obligations will not change.

**What are state agencies responsibilities regarding reporting requirements legislation?**

For Resumix/eStax, agencies should continue to use action/reason codes to track the “flow” (i.e. continued interest, meet MQs- others more qualified, interview scheduled, letters sent, etc.) of all applicants through the hiring process.

For SEMA4, when the veteran field in SEMA4 is ready to accommodate the reporting requirements, agencies will be responsible to enter the veteran information

**Is there a web page a veteran can be directed to for more information regarding the legislation or DD214?**

Yes. From the State of Minnesota Career Home web page is a link to a Veteran web page. <http://www.careers.state.mn.us/vets>

For questions about the DD214, the veteran should contact their County Veteran Services Officer. <http://www.minnesotaveteran.org/cvso/>

**Contact Information**

**Who should an agency contact with questions about the veteran legislative changes?**

Contact your MMB account representative

## APPENDIX A: New Veteran Legislation

Sec. 6. Minnesota Statutes 2008, section 43A.11, subdivision 7, is amended to read:

73.7 Subd. 7. **Ranking of veterans.** Applicants who meet the minimum qualifications  
73.8for a vacant position and claim disabled veteran's preference shall be listed in the applicant  
73.9pool ahead of all other applicants. Applicants who meet the minimum qualifications for a  
73.10vacant position and claim nondisabled veteran's preference shall be listed in the applicant  
73.11pool after those claiming disabled veteran's preference and ahead of nonveterans. **Each**  
73.12**recently separated veteran who meets minimum qualifications for a vacant position**  
73.13**and has claimed a veterans or disabled veterans preference must be considered for the**  
73.14**position. The top five recently separated veterans must be granted an interview for the**  
73.15**position by the hiring authority.**

73.16 **The term "recently separated veteran" means a veteran, as defined in section**  
73.17**197.447, who has served in active military service, at any time on or after September**  
73.18**11, 2001, and who has been honorably discharged from active service, as shown by the**  
73.19**person's form DD-214.**

73.20**EFFECTIVE DATE. This section is effective July 1, 2009, and applies to all**  
73.21**vacancies posted on or after that date.**

### Sec. 22. **REPORTING REQUIRED.**

85.1(a) The commissioner of finance must collect the following data annually from each  
85.2cabinet-level state agency, with the exception of the Metropolitan Council, and must report  
85.3those data, by agency, by the second week of each legislative session, beginning in 2011,  
85.4to the chairs and leading minority members of each of the house of representatives and  
85.5senate committees having responsibility for veterans policy and finance issues:

85.6(1) the total number of persons employed in full-time positions by the state agency; [SEMA4]

85.7(2) the total number of employees identified in clause (1) who are veterans; [Based on information  
agencies enter in the SEMA4 veteran field ]

85.8(3) the total number of vacant full-time positions in the agency filled by hiring or  
85.9appointment during the designated fiscal year;

85.10(4) the total number of applications received for the positions identified in clause (3);

85.11(5) the total number of applications identified in clause (4) for which veterans  
85.12preference was elected by the applicant;

85.13(6) the total number of applications identified in clause (5) for which the veteran  
85.14applicant was judged by the hiring authority as meeting minimum requirements for the  
85.15open positions of employment; [Based on the action/reason tracking codes agencies enter in  
Resumix]

85.16(7) the total number of veteran applicants identified in clause (6) who were  
85.17interviewed by the hiring authority for the open positions of employment in the agency; [Based on  
the action/reason tracking codes agencies enter in Resumix]

85.18(8) the total number of veteran applicants identified in clause (7) who were selected  
85.19for and offered employment within the open positions of employment in the agency; [Based on the  
action/reason tracking codes agencies enter in Resumix]

85.20(9) the total number of veteran applicants identified in clause (8) who were hired  
85.21 into the open positions of employment in the agency; [Based on information from the action/reason tracking codes agencies enter in Resumix]

85.22(10) the total number of veteran applicants identified in clause (6) who were sent a  
85.23 rejection letter, in accordance with Minnesota Statutes, section 43A.11, subdivision 9; [Based on information from the action/reason tracking codes agencies enter in Resumix]

And 85.24(11) any other data or information deemed important by the commissioner of  
85.25 administration and reflecting on the efforts of the subject agency to recruit and hire  
85.26 veterans.85.27

(b) The data must reflect one full fiscal year or one full calendar year, as determined  
85.28 by the commissioner of finance.

85.29(c) The term "veteran" has the meaning given in Minnesota Statutes, section 197.447.

85.30 **EFFECTIVE DATE.**This section is effective July 1, 2009.

## APPENDIX B

Template letter for all veterans who apply to your vacancy to determine if they are a Recently Separated Veteran. This letter will be available in Group Email in eStax

<<FULL NAME>>

<<ADDRESS>>

Dear << FIRST NAME>>

Thank you for your interest in the <<job title>> vacancy in our agency. When submitting your resume, you indicated qualifying for veterans preference.

### **New 2009 Veteran Legislation for Minnesota State Government Employment M.S. 43A.11 Subd. 7**

Effective July 1, 2009, new legislation provides that the top five “Recently Separated Veterans”, who apply and meet the qualifications for the vacancy, must be granted an interview. To be considered a “Recently Separated Veteran” you must meet **all** of the following criteria:

1. have separated under honorable conditions from any branch of the armed forces of the United States;
2. have served on active duty for 181 consecutive days or more or for the full period ordered to active duty OR have separated by reason of disability incurred while serving on active duty;
3. be a United States citizen or resident alien;
4. have served in active military service at any time on or after September 11, 2001 as shown on your form DD-214.

#### ***ACTION NEEDED:***

**If you meet all of the above criteria for a “Recently Separated Veteran”, it is your responsibility to contact our agency as soon as you receive this notification. Contact information is << phone>> or email <email>.**

*Note: If invited to interview, you will be required to present your DD-214 for verification.*

We look forward to hearing from you. Thank you for your interest in employment with our agency.

Sincerely,

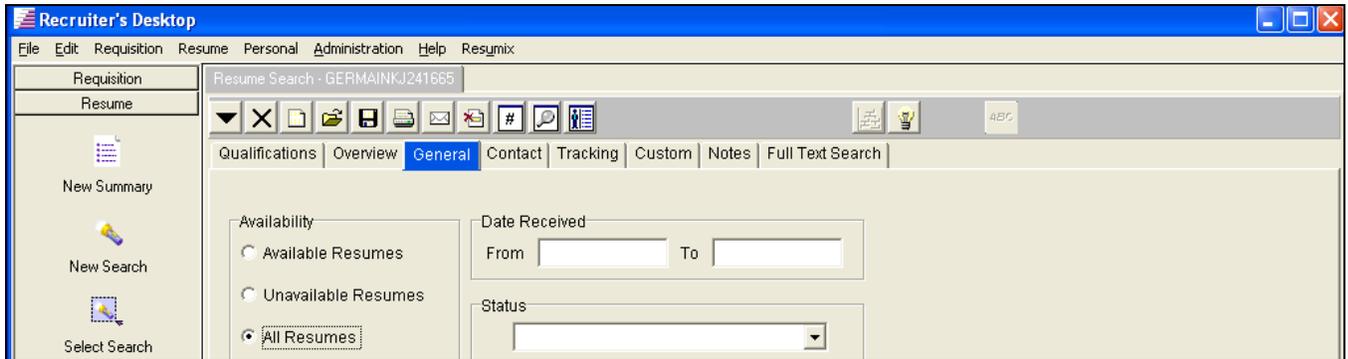
<< name>>

Department of <?????>

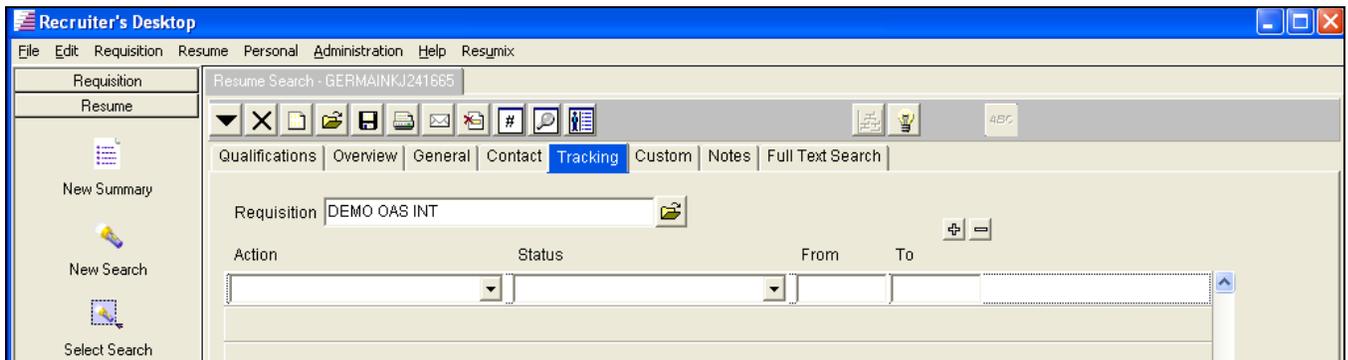
## APPENDIX C:

### Resumix Instructions - How to Determine Which Applicants Indicated Qualifying for Veteran Preference

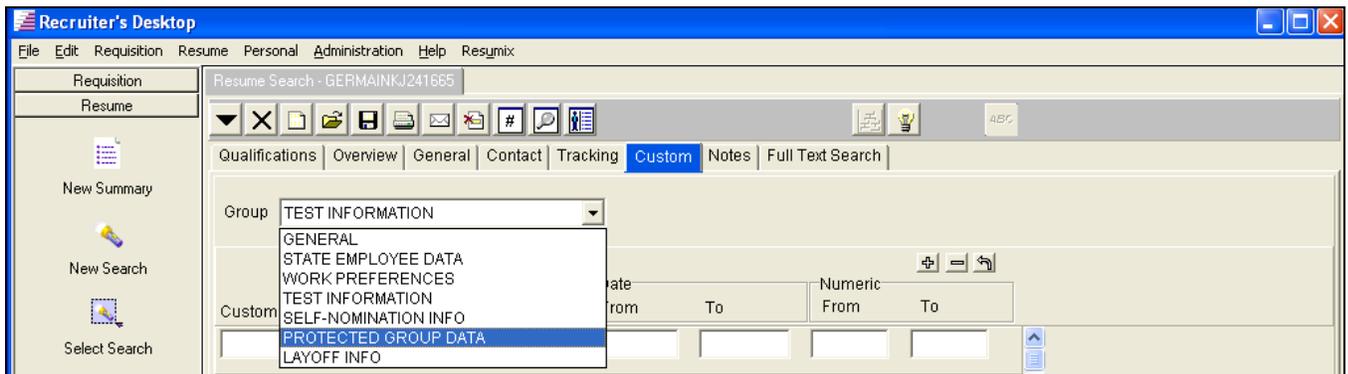
In Recruiter's Desktop select **Resume New Search**, next select the **General Tab**, under availability check **All Resumes**.



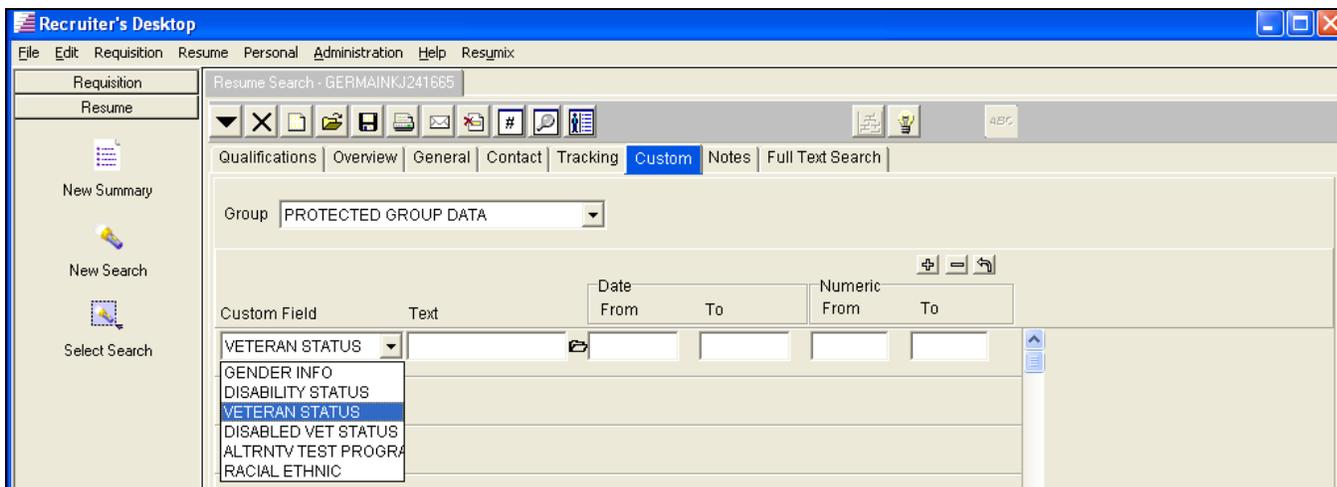
Next Select the **Tracking Tab** and in the **Requisition** field box enter the requisition number you are working on.



Next select the **Custom Tab**, under the **Group** dropdown select the **Protected Group Data** option



Under the **Custom** Tab dropdown select **Veteran Status** option



Next select the **file folder**, highlight either 5-point or 10-point veteran and click select or double-click on your selection



To count the number of 5-point veterans click on the # or if you want the list if names click on the magnifying glass.

To count the number of 10-point veterans click on the # or if you want the list if names click on the magnifying glass.

You will need to run two searches, one for 5-point and one 10-point veterans.

**APPENDIX D: Instructions for review of DD-214 form**  
**SAMPLE: DD 214**

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES		THIS IS AN IMPORTANT RECORD. SAFEGUARD IT.		ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID	
<b>CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY</b>					
1. NAME (Last, First, Middle)		2. DEPARTMENT, COMPONENT AND BRANCH		3. SOCIAL SECURITY NUMBER	
4a. GRADE, RATE OR RANK		b. PAY GRADE	5. DATE OF BIRTH (YYYYMMDD)	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD)	
7a. PLACE OF ENTRY INTO ACTIVE DUTY			b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)		
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND			b. STATION WHERE SEPARATED		
9. COMMAND TO WHICH TRANSFERRED				10. SOLI COVERAGE <input type="checkbox"/> NONE AMOUNT: \$ 400,000	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)				12. RECORD OF SERVICE	
				a. DATE ENTERED AD THIS PERIOD	
				b. SEPARATION DATE THIS PERIOD	
				c. NET ACTIVE SERVICE THIS PERIOD	
				d. TOTAL PRIOR ACTIVE SERVICE	
				e. TOTAL PRIOR INACTIVE SERVICE	
				f. FOREIGN SERVICE	
				g. SEA SERVICE	
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)				14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)	
15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM				YES <input type="checkbox"/> NO <input type="checkbox"/>	
b. HIGH SCHOOL GRADUATE OR EQUIVALENT				YES <input type="checkbox"/> NO <input type="checkbox"/>	
16. DAYS ACCRUED LEAVE PAID		17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION			YES <input type="checkbox"/> NO <input type="checkbox"/>
18. REMARKS					
<small>The information contained herein is subject to computer matching within the Department of Defense and with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for additional insured compliance with the requirements of a Federal benefit program.</small>					
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code)			b. NEAREST RELATIVE (Name and address, include ZIP Code)		
20. MEMBER REQUESTS COPY 6 BE SENT TO		CA DIRECTOR OF VETERANS AFFAIRS		YES <input type="checkbox"/> NO <input type="checkbox"/>	
21. SIGNATURE OF MEMBER BEING SEPARATED		22. OFFICIAL AUTHORIZED TO SIGN (Type name, grade, title and signature)			
9. SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)					
23. TYPE OF SEPARATION				24. CHARACTER OF SERVICE (Include upgrades)	
25. SEPARATION AUTHORITY		26. SEPARATION CODE		27. REENTRY CODE	
28. NARRATIVE REASON FOR SEPARATION					
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD)				30. MEMBER REQUESTS COPY 4 (Initials)	
DD FORM 214, FEB 2000		PREVIOUS EDITION IS OBSOLETE		MEMBER * 4	

Instructions for reviewing the DD-214 form, Member Copy 4:

To qualify as a **Recently Separated Veteran**, you must meet **all** of the following criteria:

5. have separated under honorable conditions from any branch of the armed forces of the United States (**Block #24**);
6. have served on active duty for 181 consecutive days or more or for the full period ordered to active duty OR have separated by reason of disability incurred while serving on active duty (**Block #12 c**);
7. be a United States citizen or resident alien;
8. have served in active military service at any time on or after September 11, 2001 as shown on your form DD-214 (**Block #12 a and b**).

Blocks 12a, 12b, and 12 c, indicate the length of active military service. These dates should reflect active military service at any time on or after September 11, 2001.

Block #24: Should indicate “honorable”.

To qualify for Veterans Preference, you must meet **all** of the following criteria:

1. have separated under honorable conditions from any branch of the armed forces of the United States (**Block #24**)
2. have served on active duty for 181 consecutive days or more or for the full period ordered to active duty OR have separated by reason of disability incurred while serving on active duty; (**Block #12c**)
3. be a United States citizen or resident alien;

Block #24 should indicated either “honorable” or “general discharge under honorable conditions.”

**For questions regarding the DD214 form contact:**

Nancy Erickson, Minnesota Management & Budget, [Nancy.erickson@state.mn.us](mailto:Nancy.erickson@state.mn.us), 651-259-3625

## **APPENDIX E: Letters**

Either of the following two letters may be used for both veterans and non-veterans. These letters will be available in Group Email in eStax.

### **Does Not Meet Minimum Qualifications Letter**

<<full name>>

<<Address>>

Dear <<first name>>,

Thank you for your interest in employment with the <<agency>> and the State of Minnesota. We have reviewed your resume for the <<job title>> position. According to the information you provided on your resume and application, you do not meet the minimum qualifications for this position.

Although you did not qualify for this position, we hope you consider the <<agency>> and the State of Minnesota in your future employment endeavors. To keep up to date on current openings with the State of Minnesota, please go to [www.careers.state.mn.us](http://www.careers.state.mn.us) or call the Job Information Line at (651) 259-3637

Again, thank you for taking time to apply and your interest in working for the <<agency>>and the State of Minnesota.

**Note to Veterans:** The email serves as notification per the requirements of Minnesota Statutes Chapter 43A.11, Veterans' Preference.

**Appeal Process.** You may appeal by writing to the Human Resources Director of the <<agency>>. Indicate the reasons why your qualifications should be reviewed. Your appeal must be received no more than 30 calendar days after the date printed on this letter.

## Not Continuing In Process Letter

<<full name>>

<<Address>>

Dear <<first name>>,

Thank you for your interest in employment with the State of Minnesota and the <<AGENCY>>. We have reviewed your resume for the <<job title>> position. Because we received a large number of qualified applicants, we have narrowed the applicant pool to those most closely meeting the requirements of the position. Regrettably, you will not be moving forward in the hiring process.

Although you are no longer being considered for this position, we hope you consider the <<AGENCY>> and the State of Minnesota in your future employment endeavors. To keep up to date on current openings at the State of Minnesota, please call the Job Information Line at (651) 259-3637 or go to [www.careers.state.mn.us](http://www.careers.state.mn.us).

Again, thank you for taking time to apply and your interest in working for the State of Minnesota.

**Note to Veterans:** The email serves as notification per the requirements of Minnesota Statutes Chapter 43A.11, Veterans' Preference.