

Date: August 26, 2016

To: Human Resources Directors/Designees
Labor Relations Representatives

From: Carolyn Trevis 
Assistant State Negotiator

RE: **IMPORTANT** - Recent Changes to Veteran's Preference Act – M.S. 197.46.

The 2016 Legislature has amended the Veterans Preference Act, Minn. Stat. § 197.46. The amendments went into effect July 1, 2016 and **apply to veterans who received notice of termination or layoff on or after July 1, 2016**. The major changes to the Act that apply to the State of Minnesota are outlined as follows:

- Veterans who are demoted, terminated or laid off must request a hearing within 30 days as opposed to 60 days.
- All hearings on discharge and demotion will now occur before an arbitrator, rather than before a three person panel. The Employer will request a list of arbitrators from the Bureau of Mediation Services and the parties will strike arbitrators as outlined in the statute.
- The Employer now bears the burden of paying arbitrator fees and other costs of the hearing before the arbitrator. The veteran is responsible for his/her attorney fees unless the veteran prevails and the arbitrator reverses the level of the alleged incompetency or misconduct requiring discharge. If reversed, the Employer must pay the veteran's reasonable attorney fees.

MMB Labor Relations is in the process of revising HR\LR General Memo #2015-4 Veterans Preference Hearings to reflect the changes listed above. In the meantime, here is some suggested template language to replace the current template veteran's preference notice language for letters of demotion, discharge or layoff. **Please modify your letters immediately to reflect the changes.**

*Please also note that a phrase that is similar to what is placed in letters concerning investigatory leave has been added. It is MMB's position that individuals who have invoked their veterans preference rights and remain in pay status should be available just as is required of employees who are on investigatory leave.

If you have any questions concerning these new changes, please contact your MMB Labor Relations Representative.

Modified Template Language For Letters of Demotion and Discharge Concerning Veterans Preference Hearing

Veterans Preference Hearing: Pursuant to the Veterans Preference Act, M.S. 197.46, if you are an honorably discharged veteran in a non-probationary, classified position, you have the right to request a hearing before an arbitrator on your demotion or discharge within thirty (30) days of receipt of this notice. Your request for a hearing must be made in writing to (identify

appropriate recipient in the agency's human resources office). ***With this request, provide your most recent contact information including telephone number, address and email.***

- If you submit a timely request for a Veteran's Preference Hearing, the [Agency] will contact you after receiving a list of arbitrators from the Bureau of Mediation Services to begin the process of selecting an arbitrator as outlined in M.S. 197.46.
 - If you fail to request a hearing within the thirty (30) day period, your right to a Veterans Preference hearing will be waived. Such failure shall also waive all other available legal remedies for reinstatement to your position.

You will remain in payroll status until the thirty (30) day appeal period expires or if you should choose to appeal, you will remain in payroll status pending the outcome of the Veterans Preference hearing. You are expected to be available during normal business hours while you remain in payroll status.

cc: Labor Relations Representatives
Tim Quicksell, Kristyn Anderson