

LOCAL GOVERNMENT EMPLOYEES ONLY

Veterans Preference Act protections

If an Employee is discharged ask “Are you a veteran?”

If they are a veteran they will need to make a choice about their representation. The Union will represent them through the grievance procedure, but if they choose this option they will not be paid during the appeal process. If they choose to use their veteran’s preference option, they will need to hire representation or represent themselves. Assistance is available from Veterans Affairs at 651-284-3408. Using the Veterans Preference option means they will be paid until a final decision is made.

You will need to check with your local officers or Field Representative as to the process with your individual Employer.

Who does the Act apply to?

The act applies to Local Government Employees; workers for cities, counties, non-teaching employees of school districts, and employees of the Metropolitan Council.

What benefits does the Act provide?

The Act prohibits the removal of a veteran from a position except for incompetence or misconduct. Removal includes discharge, demotion and placement on involuntary medical leave.

How is veteran defined?

The Act applies to honorably discharged veterans who served on active duty for 181 consecutive days or were discharged for disability.

What procedural protections are provided?

Veterans must be given notice of the Employer’s intent to discharge, including notice that the employee has the right to request a hearing within 60 days of the notice of intent to discharge.

A veteran's request for a hearing concerning such a discharge shall be made in writing and submitted by mail or personal service to the employment office of the concerned employer.

If no notice of the right to a hearing was provided, the veteran may request a hearing up to 6 years after termination.

If a veteran received notice and failed to request a hearing within the provided 60-day-period, the veteran will have waived his or her right to a hearing. This failure also constitutes waiver of all other available legal remedies for reinstatement.

Is a veteran subject to layoff?

A veteran is entitled to a hearing (as described above) to determine whether the position was truly eliminated or the employer acted in bad faith.

Is the panel's decision appealable?

The decision may be appealed to the district court. Notice of appeal must be filed within 15 days after notice of the decision. The district court will reverse the panel's decision only if it was arbitrary, capricious, or without substantial support in the record.