

RELEVANT LINKS:

[Minnesota Veteran's Preference Act
Minnesota Department of Veterans
Affairs](#)

[Veteran's Preference in Hiring - Fact
Sheet #11](#)

[Veteran's Preference in Discipline,
Discharge or Job Elimination - Fact
Sheet #12](#)

V. VETERAN'S PREFERENCE

Overview: In the hiring process, the Minnesota Veterans Preference Act provides a preference for qualified veterans to recognize that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit that cannot be readily assessed by examination. Preference points are given to qualified veterans who meet the minimum qualifications for the job to increase the likelihood that they will receive a job interview. There is no requirement that the city hire a veteran who interviewed for a job.

Generally, a city is required to evaluate job applications and assign veteran's preference points by using a training and experience rating. When the recruitment process results in no applications from qualified veterans the city is not required to use the training and experience rating to evaluate application materials.

Veterans also have rights in the termination process. Detailed information regarding termination of veterans will eventually be available in this manual but in the interim can be obtained by calling League offices.

A. Preference defined

A preference is a credit of points available to veteran applicants to recognize the training and experience they received while serving in the military. It is awarded to job applicants on a 100-point training and experience scale. Veterans meeting the minimum qualifications for a job are awarded five extra points and disabled veterans are awarded ten extra points. The spouse of a deceased veteran, or of a disabled veteran who because of the disability is unable to use the preference, is entitled to the same preference.

B. Veteran defined

A veteran, for purposes of offering a preference, is a citizen of the United States or a resident alien separated under honorable conditions (an applicant who received anything other than an honorable discharge does not qualify for veterans preference points) from any branch of the U.S. armed forces:

- After having served on active duty for 181 consecutive days; or
- By reason of disability incurred while serving on active duty; or
- Who has met the minimum active duty required as defined by CFR, Title 38, Section 3.12a; or
- Who has active military service certified under 38 U.S.C.A. Section 106, Part I, Chapter 1. (This section describes some forms of military service not identified elsewhere in the law.)

C. Exception for department heads

The law does not require cities to give preference points to department heads. The factors to be considered in determining what constitutes a department head are as follows:

RELEVANT LINKS:

Court Case: [State ex rel. McGinnis v. Police Civil Service Commission of Golden Valley](#), 253 Minn. 62,75,91 NW 2nd 154, 163, (1958)

- Does the alleged department head have charge of the work done by his/her department?
- Does the work require technical, professional training?
- Is he/she the highest authority at that level of government as to his official duties?
- Does he/she supervise all of the work in his/her department?
- Does the success of his/her department depend on his/her technique?
- Are the employees in the department under his/her direction?
- Are his/her duties more than merely different from other employees?
- Does he/she have power to hire and fire subordinates?

Cities should be aware that they probably employ very few individuals who would be considered department heads for purposes of veteran’s preference. This is because in most forms of city government, either the city council or the city manager has the authority for personnel administration including the hiring and firing of employees.

D. Notice of preference availability

The city must notify veterans of the availability of preference points. This is typically achieved by including a preference form in the application materials. To use the preference a veteran must complete and submit the form and supply a copy of his/her discharge papers (usually a Form DD214 or a letter from the Veterans Administration verifying a 50% service-connected disability). A city is not required to award a preference if the veteran does not supply the required documentation within a reasonable timeframe.

[Sample Veteran's Preference Application Form](#)

(A special thank you to Washington County for the use of their Veteran’s Preference Application as the sample above)

E. Training and experience ratings

The 100-point scale, called a training and experience rating, should be developed before the city advertises a position, or at least before the completed applications are reviewed. This ensures that objective criteria are in place and applied without influence from applications received. Using the job description, the city must create a list of the qualifications necessary to do the job. Each qualification is assigned a point value. Typically, a training and experience rating has three sections: minimum qualifications based on the essential functions of the job; desirable qualifications (additional training, education, occupational licensures, or experience); and veteran’s preference.

[Sample Job Description](#)

[Sample Training & Experience Rating Sheet](#)

Court Case: [Hall v. City of Champlin](#), 450 N.W.2d 613, 616 (Minn. App. 1990).

Using the rating, applications should be scored as follows:

- Score applicants using the documentation requested of all candidates;
- Award points to candidates meeting minimum qualifications, then add points for any desirable qualifications that are met;
- Award preference points to qualified veterans who meet the minimum requirements; and
- Select the top candidates for interviews, including any veterans who tie with the lowest score of any applicant chosen for an interview.

RELEVANT LINKS:

F. Promotional exams[Minnesota Statutes 43A.11, subd. 5](#)

In general, veterans do not get points for promotional exams. One exception is that a disabled veteran receives preference points for the first promotional exam after entering public service.

G. Notice to veterans[Sample "No Hire" & "No Interview" Letters](#)

To complete the city's obligation to veterans in the hiring process a written notice must be sent to veterans who are not interviewed or hired. The letter must state either the reason the veteran was not contacted for an interview or the reason the veteran was not hired following an interview.

H. Vietnam Era Veterans Readjustment Assistance Act of 1974 (VEVRAA)[VEVRAA Fact Sheet](#)

This law requires that employers with Federal contracts or subcontracts of \$25,000 or more provide equal opportunity and affirmative action for Vietnam era veterans.

[Government Contractors Posting Requirements under the Vietnam Era Veterans Readjustment Assistance Act of 1974](#)

As a part of affirmative action, such contractors and subcontractors are required to list with the local State employment service all employment openings except for executive and top management jobs; jobs which the contractor expects to fill from within; and jobs lasting 3 days or less.

Cities questioning whether or not a particular funding source is covered by this requirement should contact that funding source directly.