**Termination of Veteran Employment Letter, LMC Model Form**

*League models are thoughtfully developed by our staff for a city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in the Information Memo* [*“Veterans Preference in Discipline, Discharge, or Job Elimination.*”](https://www.lmc.org/resources/veterans-preference-in-discipline-discharge-or-job-elimination/)

**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

*The notice should be on city letterhead with a date, name of the employee and their address.*

Dear \_\_\_\_\_\_\_,

You are hereby notified that the City of \_\_\_\_\_\_\_intends to \_\_\_\_\_\_\_ from your position as \_\_\_\_\_\_\_. The statutory ground(s) for your proposed discharge is/are:

*In the first blank insert the city’s name. In the second blank insert either “demote you” or “remove you”, as appropriate. Identify the position in the last blank. Following the colon insert “incompetence” or “misconduct,” as appropriate.*

The specific factual grounds for your proposed \_\_\_\_\_\_\_, based on the information currently available, include but are not limited to:

*Insert either “demotion” or “discharge”, as appropriate, and following the colon set forth your specific facts.*

*To complete your letter, use language for one of the situations described below in bold, depending on your circumstance. Note that as of July 1, 2016, the amount of time a veteran has to request a hearing was reduced from 60 days to 30 days***.**

**For Non-Union Employees** **in** **Cities with an established Civil Service Board or Commission or Merit System Authority:**

Pursuant to the Veterans Preference Act, Minn. Stat. §197.46, if you are an honorably discharged veteran you have the right to request a hearing on your removal within thirty (30) days of receipt of this notice. Your request for a hearing must be made in writing to \_\_\_\_\_\_\_. Failure to timely request a hearing within this thirty (30) day period shall constitute a waiver of the right to a hearing. Such failure shall also waive all other available remedies for reinstatement to your position.

**

*Identify the appropriate recipient in the city’s HR office in the blank.*

You have the option to elect to have your removal hearing before the Civil Service Boardor Commission or Merit System Authority or before an arbitrator, so please indicate your hearing panel preference in your written request. If you choose an arbitrator for your hearing, please be aware the city will request a list of seven arbitrator names from the Bureau of Mediation Services (BMS). Following receipt of the arbitrator list from BMS, the city will then strike the first name from the list and provide you with the opportunity to do so as well. We will both alternatively strike names from the list until the name of one arbitrator remains. You will have 48 hours after each of the city’s elections to strike a person from the list. Failure to request a hearing within this thirty (30) days period shall constitute a waiver of the right to a hearing. Such failure shall also waive all other available remedies for reinstatement to your position.

Thus, you will remain on paid administrative leave pending further proceedings applicable to veterans as noted in the above paragraph and the applicable statutes only if you provide a Form DD214 (Certificate of Release from Active Duty) or other documentation verifying service to substantiate the services information as well as the character of the discharge, establishing you are an eligible, honorably discharged veteran, within five (5) days of receipt of this letter.

**OR**

**For Non-Union Employees for Cities without an Established Civil Service Board or Commission or Merit System Authority:**

Pursuant to the Veterans’ Preference Act, Minn. Stat. §197.46, if you are an honorably discharged veteran, you have the right to request a hearing on your removal within thirty (30) days of receipt of this notice. Your request for a hearing must be made in writing to \_\_\_\_\_\_\_. Failure to timely request a hearing within this thirty (30) day period shall constitute a waiver of the right to a hearing. Such failure shall also waive all other available remedies for reinstatement to your position.

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Should you elect a hearing, please be aware the city will request a list of seven arbitrator names from the Bureau of Mediation Services (BMS). Following receipt of the arbitrator list from BMS, the city will then strike the first name from the list and provide you with the opportunity to do so as well. We will both alternatively strike names from the list until the name of one arbitrator remains. You will have 48 hours after each of the city’s elections to strike a person from the list. Failure to timely request a hearing within the thirty (30) day period shall constitute a waiver of the right to a hearing and waiver of all other available remedies for reinstatement to your position.

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**OR**

**For Union Employees with an Established Civil Service Board or Commission or Merit System Authority*:***

Your Appeal Rights:

You may appeal this proposed action under the Collective Bargaining Agreement (union grievance) or you may appeal the action under the Veterans’ Preference Act, Minn. Stat. § 197.46. If you appeal this proposed action, you must choose either a grievance under the applicable Collective Bargaining Agreement or compensation plan or an appeal under the Veterans’ Preference Act.

Veterans’ Preference Hearing:

Pursuant to the Veterans’ Preference Act, Minn. Stat. §197.46, if you are an honorably discharged veteran, you have the right to request a hearing on your removal within thirty (30) days of receipt of this notice. Your request for a hearing must be made in writing to \_\_\_\_\_\_\_. Failure to timely request a hearing within this thirty (30) day period shall constitute a waiver of the right to a hearing. Such failure shall also waive all other available remedies for reinstatement to your position.

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**OR**

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If you have any questions, please contact me.

Sincerely,

Human Resources Director