DEPARTMENT OF CORRECTIONS

Policy Number: 103.020
Title: Veterans Preference
Effective Date: 12/3/19

PURPOSE: To provide guidance on how the Minnesota Department of Corrections (DOC) administers the Veterans Preference hearing requirements set forth in Minn. Stat. § 197.46, and the State of Minnesota, Minnesota Management and Budget (MMB) HR/LR General Memo #2015-4 on Veterans Preference Hearings.

APPLICABILITY: Department-wide

DEFINITIONS:
Appointing authority (AA) – a warden, superintendent, or manager who has been delegated as the authority for personnel actions by the commissioner of corrections.

PROCEDURES:

A. The department of corrections (DOC) follows Minnesota Management and Budget (MMB) HR/LR General Memo #2015-4, "Veterans Preference Hearings," with DOC additions specified in these procedures.

B. The appointing authority (AA)/designee determines when to remove an employee from employment with the department, or demote an employee from the employee's current position, pursuant to the procedures in Policy 103.225, "Employee Investigation and Discipline Administration." The AA/designee also determines when an employee will be laid off based on business needs and pursuant to provisions in the applicable collective bargaining agreement or pay plan. The AA/designee notifies the regional human resources director (RHRD) of the determination.

C. Human resources (HR) staff review the employee's record for the employee's veteran status and notify the AA/designee. HR staff review information provided by the employee and determine if the employee is an eligible veteran with job protection. If an employee's veteran status is unknown, the RHRD must ensure the employee is notified that the employee has seven days to supply the appropriate documentation confirming eligible veteran status to the RHRD.

D. The AA/designee provides written notice to the employee of the intent to terminate employment or to issue a disciplinary demotion if the employee is a veteran. The notice must also advise the employee that the employee has seven days to supply documentation confirming eligible veteran status to HR. HR maintains a copy of the written notice to the employee in the personnel file.

E. HR must maintain a copy of the correspondence for initiation of the veterans preference hearing, any written hearing submissions or briefs, and a copy of the written findings and conclusions of law in the investigation file for a termination or demotion, or in a veterans preference hearing file for a layoff.

F. The MMB representative for the department, with assistance from the RHRD and other designated staff, appear at the veterans preference hearing on behalf of the department.

INTERNAL CONTROLS:

A. HR maintains an investigation file containing correspondence for initiation of the hearing for a termination or demotion, or a veterans preference hearing file for a layoff. The file must also contain any written hearing submissions or briefs, and a copy of the written findings and conclusions of the arbitrator.

B. HR maintains a copy of the notice to the employee of intent to demote or terminate, or the notice of layoff, and the notice of veterans preference rights in the personnel file.

ACA STANDARDS: None

REFERENCES: Policy 103.225, "Employee Investigation and Discipline Administration"
Minn. Stat. §§ 197.447; 197.455 to 197.481; and 197.46
MMB HR/LR General Memo #2015-4 Veterans Preference Hearings

REPLACES: Policy 103.020, "Veterans Preference," 4/17/18.
All department policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENT: None

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services