

REPORT
of the
VETERANS' PREFERENCE IN
PUBLIC EMPLOYMENT
COMMISSION



Submitted to
THE MINNESOTA LEGISLATURE
of 1951

REPORT
of the
VETERANS' PREFERENCE IN
PUBLIC EMPLOYMENT
COMMISSION



Submitted to
THE MINNESOTA LEGISLATURE
of 1951

REPORT
of the
VETERANS' PREFERENCE IN
PUBLIC EMPLOYMENT
COMMISSION



Submitted to
THE MINNESOTA LEGISLATURE
of 1951

**VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT
COMMISSION**

Appointed pursuant to Chapter 741 of the laws enacted at the 1949 session of the Legislature of the State of Minnesota.

From the Senate

Senator B. G. Novak of St. Paul
Senator A. R. Johanson of Wheaton

From the House

Representative R. H. Illsley of Dundas
Representative M. K. Hegstrom of St. James

From the Veterans' Organizations

Mr. George L. Streukens of Wayzata representing Veterans of Foreign Wars
Mr. Frank Howard of Minneapolis representing the Disabled American Veterans
Mr. Kenneth Greene* of Minneapolis representing the American Veterans Committee
Mr. Desmond B. Hunt of Rochester representing the American Legion

*In the absence of Mr. Greene, the American Veterans Committee was represented at hearings by other representatives. Mr. Sheldon D. Karlins represented this group in drafting the recommendations submitted herewith.

CHAPTER 741

AN ACT CREATING AN INTERIM COMMISSION TO MAKE A STUDY OF THE VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT AND CIVIL SERVICE LAWS OF THIS STATE; REQUIRING THE COMMISSION TO MAKE A REPORT COVERING RECOMMENDED AMENDMENTS TO AND REVISIONS OF EXISTING LAWS TO THE NEXT REGULAR SESSION OF THE LEGISLATURE AND APPROPRIATING MONEY THEREFOR.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Veterans preference in public employment commission. A commission of eight members is created consisting of two members of the House of Representatives appointed by the Speaker of the House, two members of the Senate appointed by the committee on Committees of the Senate and four members from the four major veterans organizations in the state, namely: one member to be selected and appointed by and from within the membership of the American Legion, Department of Minnesota, and likewise one member to represent the Veterans of Foreign Wars, Department of Minnesota, and likewise one member to represent the Disabled American Veterans, Department of Minnesota, and likewise one member to represent the American Veterans Committee, Department of Minnesota. The appointments shall be made forthwith upon passage of this act, or as soon thereafter as the next annual state conventions of such veterans organizations shall confirm such veteran members respectively. The Commission shall be known as the Veterans' Preference in Public Employment Commission. The members of the Commission shall elect one member as chairman thereof.

Sec. 2. Duties of Commission. The Commission shall study and consider the laws of this state concerned with veterans' preference in public employment and civil service, with the object of determining a sound policy for this state in matters of veterans' preference in public employment and civil service, and recommending such changes in the laws of this state as may be necessary to give adequate and proper expression to such policy in the best interests of the veterans who are citizens or residents of this state and in the best interests of all the people of this state. The Commission shall make report of its activities

and recommendations to the next general session of the Legislature and the report shall be filed with the Secretary of State and a copy mailed to each member of the Legislature, to the Governor and to all veterans' organizations chartered under the laws of this state or known to exist in this state under any federal law, not later than October 1, 1950. If new legislation or amendments to existing laws are recommended, proposed bills for submission thereof to the Legislature shall be included in the report.

Sec. 3. Appointment of others than commission members to subcommittees; limitation. The commission may appoint committees to deal with particular problems or phases of its study made up of citizens of the state, but there will be at least one member of the commission on each committee. The commission and its committees may hold hearings at such times and places as may be convenient for the purpose of taking evidence and testimony to effectuate the purposes of this act, and for such purposes the commission and its committees may issue subpoenas. In the case of contumacy or refusal to obey a subpoena issued under the authority hereof, the district court of the county where such refusal or contumacy occurred may upon complaint of the commission by its chairman punish as for contempt the person guilty thereof. Witnesses shall be paid the fees and mileage required to be paid to witnesses in civil actions in district court, but fees need not be paid in advance unless so ordered by the commission or by the committee issuing the subpoena.

Sec. 4. Expenses; stationery and supplies. Members of the commission and its committees will serve without pay but shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties. The commission may employ expert clerical and professional aid and assistance; and may purchase stationery and other supplies; and do all things reasonably necessary and convenient in carrying out the purposes of this act.

Sec. 5. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated \$5,000, or so much thereof as may be necessary to pay expenses incurred by the commission. For the payment of such expenses the commission shall draw its warrants upon the state treasurer, which warrants shall be signed by the chairman and at least two other members of the commission, and the state auditor shall

then approve and the state treasurer pay such warrants as and when presented. A general summary or a statement of expenses incurred by the commission and paid shall be included with the commission's report.

Approved April 25, 1949.

LETTER OF TRANSMITTAL

To the Honorable Members
of the 1951 Legislature
of the State of Minnesota:

In compliance with the authority and directions set forth in Chapter 741 of the Laws of 1949, your Commission on Veterans' Preference in Public Employment has made an extended study of veterans' preference as it applies to the State and the various political subdivisions thereof.

The Commission organized by electing Representative Ralph H. Illsley, Chairman; Senator A. R. Johanson, Vice Chairman; and George L. Streukens, Secretary. In some instances it was not always possible for the designated representative of certain veterans' organizations to attend meetings and thereby represent their group on the Commission. When this occurred, alternates were provided. Those listed as members of the Commission are the original appointees.

The first meeting of the Commission was held at the State Capitol on December 20, 1949. Further meetings and hearings were held on the following dates during 1950:

January 4	April 14-15
January 13-14	May 5
January 27-28	August 31
February 17-18	November 17-18
March 10-11	November 24-25
March 30 and April 1	December 16

At the first meeting the Commission agreed to explore all aspects of veterans' preference as it applies to the State of Minnesota and its political subdivisions. It proceeded on the democratic basis of having meetings open to the public, with the exception of one meeting which was devoted to considering and drafting final recommendations. The Commission invited known interested parties to appear before it to give testimony and discuss veterans' preference problems. In addition, it heard other interested citizens who voluntarily appeared before the Commission.

Heads of all state agencies and representatives from the various veterans' organizations appeared before the Commission. A number of meetings were devoted to providing individual veterans and non-veterans an opportunity to appear before the Commission to discuss veterans' preference. Representatives of municipal personnel agencies, interested members of the Legislature and representatives of other civic groups appeared and testified before the Commission. At the request of the Commission, representatives of the Federal Civil Service appeared and discussed veterans' preference as it applies to employment in the Federal service.

The Commission's recommendations are set forth in the following section of this report. In addition to the specific recommendations, there is presented a draft of a bill which, if enacted, would put these recommendations into effect. It is not intended that this draft of legislation shall be final, as the recommendations may be adopted by law in another form. This bill is presented merely to serve as a starting point and as a guide for enacting the recommendations into law.

The recommendations submitted herewith represent the majority view of the Commission.

ACKNOWLEDGMENT

In considering the problem of veterans' preference, the Commission would be derelict in its responsibility if it did not gratefully acknowledge the excellent cooperation and helpful assistance received from the heads of the various state agencies; the various veterans' organizations; individual veterans and non-veterans; members of the Legislature; representatives of municipal personnel agencies; representatives of various civic groups; and representatives of the Federal Civil Service who are not concerned with veterans' preference in Minnesota but gave freely of their time to discuss veterans' preference and related problems with members of the Commission.

RECOMMENDATIONS

The Commission, after consideration and deliberation, presents the following recommendations pertaining to veterans' preference:

- I. IT IS RECOMMENDED THAT VETERANS' PREFERENCE LAWS, WHEN APPLICABLE, SHALL BE UNIFORM FOR THE STATE AND ITS POLITICAL SUBDIVISIONS.

At the present time there is no uniformity in laws granting veterans' preference. The law covering employment in the state classified service, special laws applicable to certain political subdivisions, and pertinent charter provisions of municipal corporations vary widely. It is unreasonable that provisions with respect to veterans' preference should vary within the same state. Veterans should be accorded uniform treatment by the State and all its political subdivisions.

- II. IT IS RECOMMENDED THAT A PERMANENT, UNIFORM AND EQUITABLE SYSTEM OF EFFICIENCY AND MERIT RATINGS OF ALL EMPLOYEES IN THE CLASSIFIED SERVICE OF THE STATE AND EMPLOYEES OF GOVERNMENTAL SUBDIVISIONS HAVING MERIT SYSTEMS SHALL BE ESTABLISHED AND USED. SUCH EFFICIENCY AND MERIT RATINGS SHALL BE MADE BY THE APPOINTING AUTHORITY AT LEAST SEMI-ANNUALLY. COPIES OF THESE RATINGS SHALL BE GIVEN TO THE EMPLOYEE, AND AN APPEALS PROCEDURE SHALL BE ESTABLISHED.

At the present time there is no formal merit rating of employees in the state classified service, although the granting of merit raises by the appointing authority could be considered an informal method of merit rating. Without a formal system of merit rating, employees may not know wherein they are not properly carrying out the duties of a particular position. Merit ratings, together with knowledge of such ratings by the employee, would make it possible for the employee to correct deficiencies in conduct and/or work resulting in improved employee efficiency. It would provide formalized method for the department head and the employee to discuss performance; serve as a method of informing the employee of the standards of per-

formance expected of him; and provide a permanent record which could be referred to for either promotion, demotion, or lay-off.

III. IT IS RECOMMENDED THAT A TRANSCRIPT BE MADE OF ALL ORAL EXAMINATIONS; SUCH TRANSCRIPT TO BE MADE PART OF THE PERMANENT OFFICIAL RECORD OF THE APPLICANT AND THE QUESTIONS CONTAINED IN THE ORAL EXAMINATION SHALL BE OCCUPATIONALLY PERTINENT TO THE POSITION FOR WHICH THE APPLICANT IS BEING EXAMINED.

At the present time no transcript of the oral examination is filed, and the only records of this part of the civil service examination procedure are the final ratings made by the oral examiners. In some instances different oral examining committees examine different applicants for the same position. The questions submitted to applicants vary among the various examining committees and may not be occupationally pertinent to the position for which the applicant is being examined. The oral part of a civil service examination is as important as the written part of the examination, and the applicant and appointing authority would both benefit from a written transcript of oral examinations. It would foster greater uniformity among oral examining committees. Needless to say, questions submitted in an oral examination should be occupationally pertinent to the position.

IV. IT IS RECOMMENDED THAT MILITARY EXPERIENCE RECEIVE FULL EVALUATION AND BE CONSIDERED IN RATING THE APPLICANTS' TRAINING AND EXPERIENCE.

Section 43.30 of Minnesota Statutes 1949 states in part, "the fact that an applicant has claimed a veteran's preference shall not be made known to the examiners and the preference credit shall be added to the examination rating by the director, and the records shall show the examination rating and the preference credit." Although this provision was intended to protect veterans from discrimination, its literal application would harm them by preventing their being given credit for pertinent military experience.

For many civilian positions related military experience and training of the proper kind are very valuable. Veterans are given credit for pertinent military experience and training by

the Minnesota Civil Service Department. It is recommended that this practice be continued. The provision of the law which states that the examiner shall not know whether an applicant claims veterans' preference is out of tune with any rating of military experience and training, and might well be repealed.

- V. IT IS RECOMMENDED THAT ALL VACANCIES IN THE CLASSIFIED SERVICE BE FILLED WITHIN SIX MONTHS FROM THE DATE OF OCCURRENCE AND APPLICANTS FOR SUCH POSITIONS BE SELECTED FROM ESTABLISHED ELIGIBLE REGISTERS.

Filling a position in the classified service by personnel other than those from established eligible registers defeats the purpose of any merit system. It discriminates against both the veteran and the non-veteran seeking employment in government service through proper channels.

- VI. IT IS RECOMMENDED THAT WHEN THREE OR MORE APPLICANTS WAIVE THEIR RIGHT TO A POSITION IN THE CLASSIFIED SERVICE, THE APPOINTING AUTHORITY SHALL EXPLAIN THE REASON FOR SUCH WAIVER IN WRITING TO THE GOVERNOR AND TO THE CIVIL SERVICE BOARD.

The use of waivers can result in gross discrimination against applicants for employment in the classified service. There are times when applicants for a particular position, because of their own personal reasons, waive the right to positions for which they are eligible. However, pressures may be brought to bear upon applicants for a particular position to waive their rights so that the appointing authority may select a particular individual without reference to ratings established under the merit system. Requiring the appointing authority to explain to the Governor and the Civil Service Board the reasons for each use of waivers will minimize this abuse. In the case of political subdivisions a similar report shall be made to local civil service commissioners and to the mayor or the governing body.

- VII. IT IS RECOMMENDED THAT IN ALL EXAMINATIONS, APPLICANTS MUST RECEIVE A PASSING GRADE BEFORE PREFERENCE POINTS ARE APPLIED.

The adoption of this recommendation will raise the standards of employees entering governmental services. Government service should recruit efficient employees and this change will raise the standards of eligible applicants for positions.

VIII. IT IS RECOMMENDED THAT A DISABLED VETERAN BE DEFINED AS ONE WHO IS CERTIFIED BY THE VETERANS ADMINISTRATION TO HAVE TEN PER CENT OR MORE DISABILITY.

Preference accorded disabled veterans is granted to provide a method of compensation for disability received as a result of military service. Unless there is a definite degree of disability, the granting of disabled veterans' preference discriminates against both the veteran and the non-veteran.

IX. IT IS RECOMMENDED THAT A RETENTION SYSTEM FOR STATE EMPLOYEES BE ESTABLISHED TO PROTECT THE RIGHT OF VETERANS WHEN A REDUCTION IN PERSONNEL OCCURS.

It is generally accepted that veterans be given preference in entering public employment as a reward for their services and sacrifices while in the military or naval forces. By the same token, it is equally desirable that veterans be given preference in retention when there are reductions in force.

X. IT IS RECOMMENDED THAT ABSOLUTE PREFERENCE BE STRICKEN FROM PROMOTIONAL EXAMINATIONS.

The predominance of testimony from employees in the classified service of the State establishes the fact that absolute preference in promotional examinations creates dissatisfaction and hardship among veteran employees as well as non-veteran employees. Veterans were free in stating that they were willing and able to compete with non-veteran employees without the benefit of absolute preference.

XI. IT IS RECOMMENDED THAT THE GOVERNOR SHALL APPOINT A QUALIFIED CIVIL SERVICE DIRECTOR INTERESTED IN THE PRINCIPLES OF A GOOD MERIT SYSTEM FOR A TERM OF FOUR YEARS, WITH THE CONSENT AND ADVICE OF THE SENATE.

This procedure will establish the principle of responsibility to the Chief Executive and make the Civil Service Director subject to confirmation by the Senate as is the case with other department heads.

XII. IT IS RECOMMENDED THAT A CIVIL SERVICE APPEAL BOARD, REPLACING THE PRESENT BOARD, BE ESTABLISHED TO HEAR APPEALS FROM THE DECISION OF THE DIRECTOR AND BE VESTED WITH THE NECESSARY LEGAL AUTHORITY TO ENFORCE ITS FINDINGS. THE APPEAL BOARD SHALL CONSIST OF THREE MEMBERS, TWO OF WHOM SHALL BE ELECTED BY THE MEMBERS OF THE CLASSIFIED EMPLOYEES OF THE STATE OF MINNESOTA, THE THIRD TO BE APPOINTED BY THE GOVERNOR. OF THE ORIGINAL APPEAL BOARD, THE GOVERNOR SHALL APPOINT ONE MEMBER FOR A TWO YEAR TERM AND THE EMPLOYEES SHALL ELECT ONE MEMBER FOR A FOUR YEAR TERM AND ONE FOR A SIX YEAR TERM. THEREAFTER, ALL TERMS SHALL BE FOR A PERIOD OF SIX YEARS. EITHER THE EMPLOYEE OR THE DIRECTOR SHALL HAVE THE RIGHT TO A WRIT OF CERTIORARI FROM ANY COURT OF COMPETENT JURISDICTION.

APPENDIX

PROPOSED AMENDMENTS TO THE LAWS RELATING TO VETERANS' PREFERENCE

(Note: The proposed amendments cover only those recommendations which relate exclusively to veterans' preference.)

Matter in italics is new; matter in caps when in () is old law to be omitted.

A BILL

For an Act Relating to Preference for Veterans; Amending Minnesota Statutes 1949, Section 197.45, Subdivisions 2 and 3, Sections 43.30, 197.46, 197.47, 197.48; Repealing Minnesota Statutes 1949, Section 197.45, Subdivision 1.

Be It Enacted by the Legislature of the State of Minnesota:

SECTION 1. Subdivision 1. For the purpose of Minnesota Statutes, Sections 43.30, 197.45, 197.46, 197.47, 197.48, the terms defined in subdivisions 2 and 3 shall have the meanings ascribed to them.

Subd. 2. "Veteran" means any person honorably discharged from the Army, Navy, Marine Corps, or Women's Auxiliary Army Corps of the United States who has served in the Civil War, Spanish American War, Philippine Insurrection, China Relief Expedition, Mexican Border War with 20 years or more of state service, or any armed expedition for which Congress has awarded a campaign badge or medal, World War wherein the United States and the allied nations of England, France, and others were engaged in war against the Imperial German Government and its allies, and the World War between the United States and its allies and Germany, Japan, Italy, and their allies, who is a citizen of the United States and has been a resident of this state and of the county, town, city, village, school district, or political subdivision of this state to which application for employment is made, for the five years immediately preceding such application, or who enlisted from this state, or any person who served in the active military or naval service of any government allied with the United States in World War I or World War II and was honorably discharged therefrom who is a citizen of the United States and was such citizen at the time of entrance into such active service, and has been a resident of this state for the five years immediately preceding such application for employment or who enlisted from this state.

Subd. 3. "Disabled veteran" means a veteran who is rated or certified as disabled to the extent of 10% or more by the United States Veterans Administration or by the retirement board of any branch of the armed forces of the United States, which disability exists at the time preference is claimed.

SEC. 2. Minnesota Statutes 1949, Section 43.30, is amended to read:

43.30 Subdivision 1. In (ALL EXAMINATIONS) *any examination* under this chapter a (VETERANS) preference shall be given to (SOLDIERS, SAILORS, NURSES, MARINES, MEMBERS OF WOMEN'S AUXILIARY ARMY, NAVY, AND MARINE CORPS, AND OFFICERS OF THE MILITARY AND NAVAL FORCES OF THE UNITED STATES, HONORABLY DISCHARGED FROM THE ARMY, NAVY, MARINE CORPS AND WOMEN'S AUXILIARY ARMY CORPS OF THE UNITED STATES, WHO HAD SERVED IN THE CIVIL WAR, SPANISH-AMERICAN WAR, PHILIPPINE INSURRECTION, CHINA RELIEF EXPEDITION, MEXICAN BORDER WAR WITH 20 YEARS OR MORE OF STATE SERVICE, WORLD WAR I AND WORLD WAR II BETWEEN THE UNITED STATES OF AMERICA AND ITS ALLIES, AND GERMANY, JAPAN, ITALY AND THEIR ALLIES; WHO ARE CITIZENS OF THE UNITED STATES AND HAVE BEEN RESIDENTS OF THE STATE OF MINNESOTA FIVE YEARS IMMEDIATELY PRECEDING THEIR APPLICATION OR WHO ENLISTED FROM THE STATE OF MINNESOTA, AND TO PERSONS WHO SERVED IN THE ACTIVE MILITARY OR NAVAL SERVICE OF ANY GOVERNMENT ALLIED WITH THE UNITED STATES IN WORLD WAR I OR WORLD WAR II, AND HAVE BEEN HONORABLY DISCHARGED THEREFROM, AND WHO ARE CITIZENS OF THE UNITED STATES AND WERE SUCH CITIZENS AT THE TIME OF ENTRANCE INTO SUCH ACTIVE SERVICE, AND HAVE BEEN RESIDENTS OF THE STATE OF MINNESOTA FIVE YEARS IMMEDIATELY PRECEDING THEIR APPLICATION OR WHO ENLISTED FROM THE STATE OF MINNESOTA. AND THE) veteran. *No veteran* (THUS PREFERRED) shall (NOT) be disqualified from holding any position in the classified service on account of his age or (BY REASON OF) any physical disability (PROVIDED) *if* such age or physical disability does not render him incompetent to perform the duties of the position.

Subd. 2. (RECOGNIZING THAT) Training and experience in the services of the government and loyalty and sacrifice for the government are qualifications of merit which (CANNOT BE) *are not readily* (DISCOVERED) *discoverable* by

examination(;). (THERE SHALL BE ADDED TO THE EXAMINATION RATING OF A DISABLED VETERAN A CREDIT OF TEN POINTS, AND IF SUCH AUGMENTED RATING GIVES TO SUCH DISABLED VETERAN A PASSING GRADE AND SUCH) *Military experience of an applicant shall receive full evaluation by examiners and shall be considered by them in grading examinations. A veteran taking an examination may make a claim for preference and this fact shall be made known to the person who reads and marks such examination. If such veteran is given a passing grade by the examiner, a credit shall be given him. The credit shall be ten points for a disabled veteran and five points for any other veteran. Except in a promotional examination, if a disabled veteran who receives a passing grade is able to perform the duties of the position or place sought with reasonable efficiency, his name shall be placed at the head of the eligible list for such position or place.*

Subd. 3. (THERE SHALL BE ADDED TO THE EXAMINATION RATING OF ALL VETERANS A CREDIT OF FIVE POINTS, AND IF SUCH AUGMENTED RATING GIVES TO SUCH) If a veteran receives a passing grade and (IF SUCH VETERAN) he is able to perform the duties of the position with reasonable efficiency, his name shall be placed on the list of eligibles with the names of other eligible persons. (THE NAME OF) When a veteran with (SUCH) an augmented rating (SHALL BE ENTERED AHEAD OF) and a non-veteran (WHEN THEIR RATINGS ARE THE SAME) have an equal rating the name of the veteran shall be entered ahead of the non-veteran.

Subd. 4. The records of the department shall show the examination rating and preference credit of each veteran who claims a preference, and shall be deemed public records.

Subd. 5. (SUCH) The preference authorized by subdivision 1 to be given to veterans is hereby extended to the (WIDOWS) widow of a deceased (VETERANS) veteran and to the spouse of a disabled veteran, who (BECAUSE OF SUCH DISABILITY) is unable to qualify because of his disability.

Subd. 6. (THE FACT THAT AN APPLICANT HAS CLAIMED A VETERAN'S PREFERENCE SHALL NOT BE MADE KNOWN TO THE EXAMINERS AND THE PREF-

ERENCE CREDIT SHALL BE ADDED TO THE EXAMINATION RATING BY THE DIRECTOR, AND THE RECORDS SHALL SHOW THE EXAMINATION RATING AND THE PREFERENCE CREDIT.)

(A DISABLED VETERAN IS ONE WHO IS RATED OR CERTIFIED AS DISABLED BY THE UNITED STATES VETERANS' ADMINISTRATION, OR BY THE RETIREMENT BOARDS OF THE SEVERAL BRANCHES OF THE ARMED FORCES, AND WHICH DISABILITY IS EXISTING AT THE TIME PREFERENCE IS CLAIMED.)

(IN THE EVENT OF THE REJECTION BY THE) *When* an appointing officer (OF THE) *rejects* a person (SO PREFERRED) *who claims a preference under this section when the name of such person has been certified for promotion or to fill a vacancy or a new position, (THE APPOINTING OFFICER) he shall (FORTHWITH) file (IN WRITING) with the director forthwith the reason for (SUCH) rejection and shall furnish a copy thereof to the person rejected (VETERAN A COPY THEREOF).*

SEC. 3. Minnesota Statutes 1949, Section 197.45, Subdivision 1, is hereby repealed.

SEC. 4. Minnesota Statutes 1949, Section 197.45, Subdivision 2, is amended to read:

Subd. 2. (THAT) In every public department and upon all public works in (THE) *this state, (OF MINNESOTA AND THE COUNTIES, CITIES, TOWNS, VILLAGES, SCHOOL DISTRICTS, AND ALL OTHER POLITICAL SUBDIVISIONS AND AGENCIES THEREOF, HONORABLY DISCHARGED VETERANS SHALL BE) in any county, city, town, village, school district, or other political subdivision, or in any agency thereof, any veteran is entitled to preference in appointments, employment, and promotion over other applicants therefor(,).* (AND THE PERSON THUS PREFERRED) *Any person receiving such preference shall not be disqualified from holding any such position (MENTIONED) or place on account of his age or (BY REASON OF ANY) physical disability, (PROVIDED) unless such age (AND) or disability (DOES NOT RENDER) renders him incompetent to properly perform (PROPERLY) the duties of the position (APPLIED FOR AND) or place. When (SUCH) a veteran (SHALL APPLY)*

applies for appointment or employment under (SECTIONS 197.45 AND) *this section or under section 197.46*, the officer, board, or person whose duty it is (OR MAY BE,) to appoint or employ such a person to fill such position or place(,) shall *make an investigation as to the qualifications of the veteran for the position or place* before appointing or employing anyone to fill (SUCH) *the position (, EXCEPT WHERE SAID) or place unless the veteran (HAS) is already (BEEN) qualified under civil service for the position (APPLIED FOR,) or place. (MAKE AN INVESTIGATION AS TO THE QUALIFICATIONS OF SAID VETERAN FOR SUCH PLACE OR POSITION, AND) if (HE) the veteran is of good moral character(,) and can properly perform the duties of (SAID) the position (APPLIED FOR BY HIM, AS HEREINBEFORE PROVIDED, SAID OFFICER, BOARD, OR PERSON SHALL APPOINT SAID VETERAN) or place, he shall be appointed to such position or place (OF EMPLOYMENT).*

Subd. 3. (IN) When any governmental agency (HAVING AN) has established a civil service or merit system(,) no inquiry shall thereafter be made of any applicant for examination (BEFORE SUCH EXAMINATION) as to whether or not (HE) the applicant is a veteran(,). (NOR SHALL ANY) No distinction shall be made between applicants for examination in giving (THE) any examination or in grading (THE RESULTS THEREOF ON ACCOUNT OF THE FACT THAT THE APPLICANT MAY BE A VETERAN, PROVIDED THAT) any examination paper, but this shall not abridge any preference to which (SUCH) a veteran is entitled. (ALL GOVERNMENTAL AGENCIES WHEN NOTIFYING THE) An applicant (THAT HE HAS PASSED, SHALL INFORM THE APPLICANT OF THE RIGHT OF) who is a veteran (TO) may make a claim for preference and this fact shall be made known to the person who reads and marks examination. (THE PROPER CIVIL SERVICE OR MERIT SYSTEM AUTHORITY SHALL CERTIFY HIS APPOINTMENT AND THE APPOINTING AUTHORITY SHALL APPOINT SUCH VETERAN BEFORE ANY OTHER PERSON IS CERTIFIED OR APPOINTED TO FILL A POSITION FOR WHICH THE VETERAN HAS PASSED THE EXAMINATION.)

Subd. 4. A refusal to allow the preference provided for in this (AND THE NEXT SUCCEEDING) section and in section

197.46 to any (SUCH HONORABLY DISCHARGED) veteran entitled thereto, or a reduction of (HIS) the compensation of a veteran intended to bring about his resignation or discharge(, SHALL ENTITLE SUCH HONORABLY DISCHARGED) entitles the veteran to a right of action (THEREFOR) for damages as well as a remedy in mandamus in any court of competent jurisdiction (FOR DAMAGES,). (AND SUCH OFFICER AND THE PERSONS RESPONSIBLE FOR SUCH REFUSAL IF SUCH) If the refusal was wilful, any person responsible therefor shall be personally liable for damages therefor(, AND ALSO FOR A REMEDY FOR MANDAMUS FOR RIGHTING THE WRONG.) If the veteran recover damages in such an action, he is entitled to be reimbursed for reasonable attorney fees, which shall be fixed by the court and shall be deemed a part of the costs to be taxed in such action.

SEC. 5. Minnesota Statutes 1949, Section 197.45, Subdivision 3, is amended to read:

Subd. (3) 5. (THE WIDOWS OF DECEASED VETERANS AND THE SPOUSES OF DISABLED VETERANS WHO, BECAUSE OF SUCH DISABILITY, ARE UNABLE TO QUALIFY, SHALL HAVE) All the rights and privileges given to a veteran by this section or by section 197.46 are hereby given to the widow of any deceased veteran and to the spouse of any disabled veteran who is unable to qualify because of his disability.

SEC. 6. Minnesota Statutes 1949, Section 197.46, is amended to read:

197.46 Subdivision 1. Any person whose rights may be (IN ANY WAY) prejudiced contrary to any (OF THE PROVISIONS) provision of this section(, SHALL BE) is entitled to a writ of mandamus to remedy the wrong.

Subd. 2. No (PERSON) veteran holding a position or employment (BY APPOINTMENT OR EMPLOYMENT IN THE STATE OF MINNESOTA OR IN THE SEVERAL COUNTIES, CITIES, TOWNS, VILLAGES, SCHOOL DISTRICTS AND ALL OTHER POLITICAL SUBDIVISIONS OR AGENCIES THEREOF, WHO IS AN HONORABLY DISCHARGED VETERAN) in this state, in any county, city, town, village, school district, or other political subdivision, or in any

agency thereof, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon *written stated charges*(, IN WRITING). (IN ALL GOVERNMENTAL SUBDIVISIONS HAVING) *If a governmental subdivision has an established civil service board or commission*(,) or a merit system authority, such hearing (FOR REMOVAL OR DISCHARGE) shall be held before such (CIVIL SERVICE) board or (MERIT SYSTEM) authority. Where no such (CIVIL SERVICE) board or commission or (MERIT SYSTEM) authority exists(,) such hearing shall be heard by a board *consisting of three persons* (APPOINTED AS FOLLOWS) : one *selected* by the governmental subdivision, one by the veteran, and the third by (THE) *these two* (SO SELECTED). (IN THE EVENT THE TWO PERSONS SO SELECTED DO NOT APPOINT) *If the third person is not selected* within ten days after the (APPOINTMENT) *selection of the* (LAST OF THE) *first two*, then, *upon application of one of the persons selected*, the senior judge of the district court of the county wherein the proceeding is pending (, OR IF THERE BE MORE THAN ONE JUDGE IN SAID COUNTY THEN THE JUDGE IN CHAMBERS, SHALL HAVE JURISDICTION TO APPOINT, AND UPON APPLICATION OF EITHER OR BOTH OF THE TWO SO SELECTED) shall appoint(,) the third person to the board (AND THE PERSON SO APPOINTED BY THE JUDGE WITH THE FIRST TWO SHALL CONSTITUTE THE BOARD).

Subd. 3. The veteran may appeal (FROM THE DECISION OF THE BOARD UPON THE CHARGE) to the district court (BY CAUSING) *from the decision of the board. Within 15 days after the veteran receives notice of the decision he shall cause a written notice of appeal*(, STATING THE GROUNDS THEREOF,) to be served upon the governmental subdivision or officer making the charges (WITHIN 15 DAYS AFTER NOTICE OF THE DECISION AND BY FILING). *The notice of appeal shall state the grounds for the appeal. He shall file the original notice of appeal with proof of service thereof* (IN THE OFFICE OF) *with the clerk of the district court within ten days after service thereof.*

Subd. 4. Issues of fact shall be framed upon motion of either party and the trial thereof shall be by jury (UNLESS), *but a trial by jury may be waived.*

Subd. 5. *The governmental subdivision or officer alleging incompetency or misconduct has the burden of proving (INCOMPETENCY OR MISCONDUCT SHALL REST UPON THE GOVERNMENTAL SUBDIVISION ALLEGING) the same.*

Subd. 6. (NOTHING IN) Sections 197.45 and 197.46 (SHALL NOT BE CONSTRUED TO) *do not apply to the position of private secretary, teacher, superintendent of schools, (OR ONE) chief deputy of (ANY ELECTED OFFICIAL OR) the head of a department or on elected official, or to any person holding a strictly confidential relation to the appointing officer. The appointing officer has the burden of establishing such relationship (SHALL BE UPON THE APPOINTING OFFICER IN ALL PROCEEDINGS AND ACTIONS RELATING THERETO) in any proceeding or action.*

Subd. 7. All officers, boards, commissions, and employees shall conform to, comply with, and aid in all proper ways in carrying into effect the provisions of sections 197.45 and 197.46.

Subd. 8. Any (WILFUL VIOLATION OF SUCH) *officer, official, or employee who wilfully violates any provision of sections 197.45 and 197.46 (BY OFFICERS, OFFICIALS, OR EMPLOYEES) is guilty of a misdemeanor.*

SEC. 7. Minnesota Statutes 1949, Section 197.47, is amended to read:

197.47 (THE PROVISIONS OF) Sections 197.45 and 197.46(, KNOWN AS THE "VETERANS' PREFERENCE LAW," SHALL APPLY TO AND) govern *any* appointment, employment, promotion, (AND) *or* removal of (ALL EMPLOYEES) *any employee* of the state and (OF ALL OTHER) *any employee of any governmental (AGENCIES) agency (WITHIN THE STATE) enumerated in (SAID) such sections(,) notwithstanding any provision to the contrary in any other (EXISTING) law or in the charter of any city (CHARTER RELATING THERETO).*

SEC. 8. Minnesota Statutes 1949, Section 197.48, is amended to read:

197.48 No provision of any subsequent act relating to any such appointment, employment, promotion, ~~or~~ removal *referred to in section 197.47* shall be construed as inconsistent (HEREWITH OR) with any provision of sections 197.45(, AND)

197.46, and 197.47 unless and except only so far as expressly provided in (SUCH) *that* subsequent act that the provisions of these sections shall not be applicable or shall be superseded, modified, amended, or repealed.

Every city charter provision (HEREAFTER ADOPTED WHICH IS) inconsistent (HEREWITH OR) with any provision of these sections (SHALL BE) *is* void (TO THE EXTENT OF SUCH INCONSISTENCY).

**OPERATING EXPENSES
OF
VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT
COMMISSION**

Appropriation (Ch. 741, Laws 1949).....	\$5,000.00
Expenditures	
Travel	\$1,345.39
Personal Services Temporary.....	407.50
Printing and Binding.....	228.02
Office Supplies	61.62
Postage	40.00
Total	<u>2,082.53</u>
Unexpended Balance	<u>\$2,917.47</u>