

Discharge Checklist
Honorably Discharged Non-Probationary Veteran

After any initial hiring probationary period expires, no person holding a position either in the state civil service or by appointment or employment in any county, home rule charter or statutory city, town, school district, or any other political subdivision in the state who is a veteran separated from the military service under honorable conditions, shall be removed from the position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, in writing.

<input type="checkbox"/>	<p>Complete the employment investigation.</p> <ul style="list-style-type: none"> The employment investigation must show incompetency or misconduct on the part of the Veteran.
<input type="checkbox"/>	<p>Provide the Veteran with an Intent to Discharge Letter (Loudermill Notice).</p> <ul style="list-style-type: none"> Option 1 - The Intent to Discharge Letter includes notification of Veterans' Preference Rights. <ul style="list-style-type: none"> An Employer will use the date the veteran was provided this letter as the starting date to count down the 30-days to elect a Veterans' Hearing. <i>TIP:</i> An employer who includes the Veterans' Rights in the Loudermill notice (versus giving the notification of Veterans' Rights in the letter provided after the Loudermill meeting is concluded) will potentially reduce the number of days they are required to maintain the Veteran in paid status. Option 2 - The Intent to Discharge Letter <u>does not</u> include Veterans' Preference Rights. <ul style="list-style-type: none"> In this case, the Employer cannot use the date the Intent to Discharge Letter (Loudermill Notice) was provided to begin the 30-day count for the veteran to request a Veterans' Hearing. The 30-day countdown will only begin once the notification of Veterans' Rights is provided in a written notice to the Veteran. When the notification of Veterans' Rights is not part of the Employer's standard Loudermill notice, it would typically be included in the discharge notice given <i>after</i> the Loudermill meeting is held, when the Employer issues its decision to proceed with the intent to discharge.
<input type="checkbox"/>	<p>Conduct the Intent to Discharge Meeting (Loudermill).</p> <ul style="list-style-type: none"> The decision-maker should give serious consideration to any information provided during this meeting. <i>TIP:</i> To ensure that appropriate consideration is given to all information provided by the Veteran at this meeting, it is recommended that the Employer should not issue an immediate (same day) decision. Within 24-48 hours following the Intent to Discharge (Loudermill) Meeting the decision-maker should do one of the following: <ul style="list-style-type: none"> Halt the discharge process if information is brought forth to clarify that removal of the Veteran is not warranted or supported by the facts. Gather additional information or proceed with further investigation before issuing a decision, if necessary, in order to make a fully informed determination. Make a determination to proceed with the intent to discharge. <ul style="list-style-type: none"> If original Intent to Discharge Letter contained Veterans' Preference Rights, issue a second Intent to Discharge Letter restating the reasons for the intent to discharge, and informing the Veteran they were previously notified of the intent

	<p>to discharge and their rights as a Veteran on [date original intent to discharge letter was provided to Veteran].</p> <p>TIP: The Veteran will have less than 30-days to request a Veterans' hearing as of the date of the second Intent to Discharge Letter.</p> <ul style="list-style-type: none"> ▪ If the original Intent to Discharge Letter <u>did not</u> contain Veterans' Preference Rights, issue an Intent to Discharge Letter at this point in the process that includes Veterans' Preference Rights. <p>TIP: The veteran will have the full 30-days allotted by law to request a Veterans' hearing starting from the date they are given the notification of their Veterans' Rights as part of the specific discharge process.</p>
<input type="checkbox"/>	<p>Veteran does not request a hearing within 30-days of the Notice of Intent to Discharge Letter that included notification of their Veterans' Preference Rights in the discharge process.</p> <ul style="list-style-type: none"> • This constitutes a waiver of the right to a hearing. • It also waives all other available legal remedies for reinstatement. <p>Employer should process termination effective on the 31st day.</p> <ul style="list-style-type: none"> • Issue letter confirming termination of employment. • Complete necessary payroll and administrative processes to complete the termination process. <p>TIP: Employer should have a mechanism in place to track when the 31st day will occur.</p>
<input type="checkbox"/>	<p>Veteran requests a hearing within 30-days of the Notice of Intent to Discharge.</p> <ul style="list-style-type: none"> • The Veteran shall request a hearing concerning such discharge, which shall be made in writing and submitted by mail or personal service to the employment office of the concerned employer or other appropriate office or person as provided in the Intent to Discharge Letter. • The written request must also contain the Veteran's election to be heard by a civil service board or commission, a merit authority, the County's established Personnel Board of Appeals, or an arbitrator as defined in paragraph (c) of Minn. Statutes 197.46 • If the Veteran fails to identify the Veteran's election, the governmental subdivision may select the hearing body.
<input type="checkbox"/>	<p>Type of Veterans' Hearing</p> <ul style="list-style-type: none"> • In all governmental subdivisions having an established civil service board or commission, or merit system authority (Personnel Board of Appeals), the veteran may elect to have the hearing for removal or discharge before the civil service board or commission or merit system authority, or before an arbitrator. • Where no civil service board or commission or merit system (Personnel Board of Appeals) authority exists, the hearing shall be held by an arbitrator. In cases where a hearing will be held by an arbitrator, the Employer shall request from the Bureau of Mediation Services a list of seven persons to serve as an arbitrator. <ul style="list-style-type: none"> ○ The Employer shall strike the first name from the list and the parties shall alternately strike names from the list until the name of one arbitrator remains. ○ After receiving each of the Employer's elections to strike a person from the list, the Veteran has 48 hours to strike a person from the list. ○ The person remaining after the striking procedure will be the arbitrator. • Upon the selection of the arbitrator, the Employer shall notify the designated arbitrator and request available dates to hold the hearing.

<input type="checkbox"/>	<p>Cost of Hearing</p> <ul style="list-style-type: none"> For disputes heard by a civil service board, commission or merit system authority (Personnel Board of Appeals), or an arbitrator, the governmental subdivisions shall bear all costs associated with the hearing but not including attorney fees for attorneys representing the Veteran. If the Veteran prevails in a dispute heard by a civil service board, commission or merit system authority (Personnel Board of Appeals), or an arbitrator and the hearing reverses the level of the alleged incompetency or misconduct requiring discharge, the governmental subdivision shall pay the Veteran's reasonable attorney fees.
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