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**Guidelines for Discharging an Honorably Discharged**

**Non-Probationary Veteran**

**TIP** – If the Loudermill Notice contains Veteran’s Preference Rights information, an Employer should use the date the Loudermill was provided to the Veteran as the date used to count down the Veteran’s 30 day right to elect a Veteran Hearing.

**TIP** - No Veteran shall be removed from employment except for misconduct or incompetency shown after a hearing, upon due notice, upon stated charges, in writing.

Employer must conduct an employment investigation. If the outcome of the investigation supports misconduct or incompetency by the Veteran and the behavior warrants discharge, begin the discharge process.

Does Loudermill (Notice of Intent to Discharge) letter provided to Veteran include Veteran Preference Rights?

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Yes

Conduct Loudermill (pre-termination meeting). The decision maker needs to take into consideration information presented during the meeting.

No

The veteran's right to request a hearing within 30 days of receipt of the Notice of Intent to Discharge begins to count down. ***Note: Veteran remains in paid status during 30 days allowed to request a Veteran Hearing****.*

Was there information provided during the Loudermill (pre-termination) meeting that would alter the decision to discharge the Veteran?

Conduct Loudermill (Notice of Intent to Discharge ) pre-termination meeting. The decision maker needs to take into consideration information presented during the meeting.

No

Yes

Was there information provided during the Loudermill (Notice of Intent to Discharge) pre-termination meeting that would alter the decision to discharge the Veteran?

Provide Veteran with Notice of Discharge. This notice must include Veteran’s Rights. ***Note: The 30-day countdown begins with this Notice, and Veteran remains in paid status during these 30 days.***

Possible options are to stop discharge proceedings and Veteran maintains employment; or conduct further investigation, if necessary.

No

Yes

Provide a second Notice of Intent to Discharge Letter. This letter should include a statement that the Veteran was previously notified of the County’s intent to terminate employment on X date and that the previous letter included information regarding the Veteran’s right to elect a hearing.

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Possible options are to stop discharge proceedings and Veteran maintains employment; or conduct further investigation, if necessary.

Did Veteran request a hearing within 30 days from receipt of Notice of Discharge letter?

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**TIP** – The failure of the Veteran to request a hearing within the 30-day period constitutes a waiver of the right to a hearing. The failure also waives all other legal remedies for reinstatement.

No

Yes

Did Veteran request a hearing within 30 days from receipt of original Notice of Intent to Discharge letter?

On 31st day from notice of Veteran’s rights, issue letter confirming termination of employment and complete any necessary payroll and administrative processes to complete the termination. process.

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Proceed with Veterans Hearing as outlined in Minn Statutes [197.46](https://www.revisor.mn.gov/statutes?id=197.46&year=2017&keyword_type=all&keyword=Veterans+Preference). ***Note: Veteran remains in paid status until hearing is held and decision Is rendered upholding County’s intent to terminate.***

Yes

No

On 31st day from notice of Veteran’s rights, issue letter confirming termination of employment and complete any necessary payroll and administrative processes to complete the termination process.

Proceed with Veteran Hearing as outlined in Minn. Stat. [197.46](https://www.revisor.mn.gov/statutes?id=197.46&year=2017&keyword_type=all&keyword=Veterans+Preference). ***Note: Veteran remains in paid status until hearing is held and decision is rendered upholding County’s intent to terminate.***