

CITIZENS LEAGUE REPORT

No. 99

**Recommended Changes in Veteran's
Preference Hiring**

January 1959

approved 1/7/59

99

November 13, 1958

MEMORANDUM:

TO: Board of Directors

FROM: Public Employment Committee

RE: Recommendations for changes in veterans' preference in local civil service

STATEMENT OF PRINCIPLE

The committee adopted as its guiding principle the theorem that civil service preference for veterans is not to be considered as a reward for valor; it is a recompense for time spent in the country's service which would ordinarily have been devoted to pursuing a career and gaining experience, seniority and tenure. Because a disabled veteran has not only to make up for time lost, but has usually become more or less handicapped in earning a living in a competitive world, he is entitled to the greater preference. The community owes this debt, even if it does some violence to the theory of the merit system that "the best shall serve the state." The preference given, however, must be equitable as among veterans, must not be so great as to be wholly unfair to other citizens, and must not be such as to lower the efficiency of the public service, on which everyone, veteran and nonveteran, depends.

WHAT WE SUGGEST

Our committee believes that it is of vital importance to improve the veterans' preference laws in order to improve the public service. The committee believes the laws should be based on the following principles:

1. State and local veterans' preference laws should be uniform.
2. Preference should be granted in terms of points and absolute preference should be abolished.
3. Preference points should be added only after a veteran has attained a passing score on an examination.
4. A disabled veteran should be defined as one with a 10 per cent or higher disability rating from the Veterans Administration.
5. Preference should be used only once, either at the time of original hiring or at the time of a promotion.
6. Veterans and nonveterans should receive the same treatment during a probationary period.
7. The same physical and age qualifications for a job should apply to all candidates for the job, veterans and nonveterans alike.
8. The requirement that veterans must have enlisted from Minnesota or lived in the political subdivision for five years before being entitled to preference is unnecessary.
9. Elimination of the unworkable requirement that no inquiry be made of a veteran's status before the examination.
10. Clarification of the phrase "unable to qualify" in the provision granting preference to the spouses of disabled veterans unable to qualify because of their disability.

RECOMMENDATIONS

We believe the veterans' preference laws should be based on these principles:

1. UNIFORMITY OF VETERANS' PREFERENCE LAWS AT STATE AND LOCAL LEVELS.

The civil service at any level of government should operate under the best rules known, and there seems to be no justifiable reason for the present confusing differences.

This proposal was made by the Veterans' Preference in Public Employment Commission in 1951.

2. SUBSTITUTION OF POINT PREFERENCE FOR THE PRESENT ABSOLUTE PREFERENCE IN LOCAL GOVERNMENT UNITS, WITH TEN POINTS BEING ADDED TO THE SCORES OF DISABLED VETERANS, FIVE POINTS FOR NON-DISABLED VETERANS, AND A CREDIT FOR WIDOWS OF VETERANS WHO REMAIN UNMARRIED AND SPOUSES OF DISABLED VETERANS UNABLE TO CLAIM THEIR PREFERENCE EQUAL TO WHAT THE VETERAN COULD HAVE CLAIMED.

While the League fully subscribes to the principle of granting a reasonable advantage in securing public employment to those who have served their country in time of war, it believes, in the public interest, that preference should not be extended to the point of practically excluding well-qualified non-veteran applicants from original and promotional opportunities and thereby unreasonably impeding the selection of personnel on the basis of merit and fitness.

The absolute preference interferes with the proper operation of the civil service system by jumping any veteran who passes the examination over all non-veterans regardless of score. City department heads indicated that this frequently results in men with relatively low grades on the examination receiving appointments where men who scored high are available and cannot be appointed. Even though the examinations are designed to separate the qualified from the unqualified, it unduly handicaps public administration if any one group is singled out for absolute preferred treatment regardless of placement on the examination list. The League is of the opinion that ten points for disabled veterans and five points for non-disabled veterans and a credit for widows of veterans who remain unmarried and spouses of disabled veterans unable to claim their preference represents a fair preference system. Such preferences are granted in the federal civil service and in the state system, except that in the state system disabled veterans who receive a passing grade with or without augmentation by the ten points go to the top of the list, and the provision whereby widows lose the preference on remarriage is not present in either federal or state statute.

3. CONTINUATION AT THE LOCAL LEVEL AND INTRODUCTION AT THE STATE LEVEL OF THE REQUIREMENT THAT VETERANS' PREFERENCE IS AVAILABLE ONLY TO THOSE VETERANS WHO GET A PASSING GRADE ON THE EXAMINATION BEFORE PREFERENCE IS APPLIED.

It is not in the best interests of the public service to employ a candidate who has failed an examination designed to determine his fitness for employment. The fact that a candidate is a veteran surely makes him no more fit for the job if he has failed the examination. The veteran's right to assistance in gaining public employment is adequately served if his preference is applied only after he passes the examination.

This recommendation also has been made by the Civil Service Assembly, the Little Hoover Commission, the 1951 Minnesota Veterans' Preference in Public Employment Commission and the League of Minnesota Municipalities.

4. DEFINING DISABLED VETERANS AS THOSE VETERANS WHO ARE RECEIVING A TEN PER CENT OR HIGHER DISABILITY RATING FROM THE VETERANS ADMINISTRATION.

At present, veterans, who at one time have had a disability rating by the Veterans Administration but whose disability has been overcome to the point where the Veterans Administration rates them as zero per cent disabled, are entitled to get the veterans' preference for disabled veterans under state and federal preference laws. The committee is of the opinion that this is too lenient and those veterans who are not rated as ten per cent or higher in their disability by the Veterans Administration should be treated as non-disabled veterans as far as veterans' preference is concerned.

This recommendation conforms with that of the Civil Service Assembly, the 1951 Minnesota Veterans' Preference in Public Employment Commission and the League of Minnesota Municipalities.

5. PROVIDING THAT A VETERAN CAN USE HIS PREFERENCE ONLY ONE TIME, EITHER AT THE TIME OF ORIGINAL HIRING OR AT THE TIME OF A PROMOTION.

The committee feels that the aim of veterans' preference should be to assist a qualified veteran in obtaining a suitable government job, but that it should not be used to protect him forever from fair competition with other qualified employees in obtaining promotions. It seems important to include a veteran's right to preference in obtaining one promotion in order to provide fair treatment to the veteran who entered military service from a government job.

6. ELIMINATION OF ANY DIFFERENCE IN THE TREATMENT OF VETERANS AND NON-VETERANS DURING THE PROBATIONARY PERIOD.

Serving of a probationary period is essential to the proper operation of a civil service system and the provisions for discharge during the probationary period should be uniformly applied to veterans and non-veterans. Under the present system, the difficulties of discharging a veteran during the probationary period are so great that it is almost never attempted, even though the veteran already appears to be unsuited for the work.

7. PROVISION THAT VETERANS SHALL BE GOVERNED BY THE SAME PHYSICAL AND AGE QUALIFICATIONS FOR A JOB AS NON-VETERANS AND SHALL BE SUBJECT TO THE SAME RETIREMENT AGE PRACTICES.

It seems apparent that if it is possible to waive qualifications without hurting the service, then the qualifications are too rigid. But if the qualifications are essential, then the service is damaged by the admission of unqualified persons.

8. ELIMINATION OF THE PRESENT REQUIREMENT THAT VETERANS MUST HAVE ENLISTED FROM MINNESOTA OR LIVED IN THE POLITICAL SUBDIVISION FOR FIVE YEARS BEFORE THEY ARE ENTITLED TO VETERANS' PREFERENCE.

The committee suggests that the normal residence requirements for applicants, which in the case of state jobs is two years prior to the date of application and, in the case of Minneapolis jobs, is one year prior to the date of application, is adequate protection against itinerant veterans who might attempt to take examinations in many states.