

**CHAPTER 192—S.F.No. 1689**

*An act relating to veterans affairs; providing a waiver of immunity for veterans to sue the state of Minnesota as an employer in federal or other courts for violation of the Uniformed Services Employment and Reemployment Rights Act; giving special emphasis to recruitment of veterans for state employment; allowing a leave of absence from public employment during convalescence for injury or disease incurred during active service; extending reemployment rights protections to certain nonpublic employees; increasing credits for veterans in open examination ratings for public employment; amending Minnesota Statutes 2010, sections 1.05, by adding a subdivision; 43A.09; 192.261, subdivisions 1, 6; 197.455, subdivisions 4, 5.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 1.05, is amended by adding a subdivision to read:

Subd. 5. **Uniformed Services Employment and Reemployment Rights Act (USERRA).** An employee, former employee, or prospective employee of the state who is aggrieved by the state's violation of the Uniformed Services Employment and Reemployment Rights Act, United States Code, title 38, sections 4301 to 4333, as amended, may bring a civil action against the state in federal court or another court of competent jurisdiction for legal or equitable relief that will effectuate the purposes of that act.

**EFFECTIVE DATE; APPLICATION.** This section is effective the day following final enactment and applies to civil actions pending on or commenced on or after that date.

Sec. 2. Minnesota Statutes 2010, section 43A.09, is amended to read:

**43A.09 RECRUITMENT.**

The commissioner in cooperation with appointing authorities of all state agencies shall maintain an active recruiting program publicly conducted and designed to attract sufficient numbers of well-qualified people to meet the needs of the civil service, and to enhance the image and public esteem of state service employment. Special emphasis shall be given to recruitment of veterans and protected group members to assist state agencies in meeting affirmative action goals to achieve a balanced work force.

Sec. 3. Minnesota Statutes 2010, section 192.261, subdivision 1, is amended to read:

Subdivision 1. **Leave of absence without pay.** Subject to the conditions hereinafter prescribed, any officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state who: (1) engages in active service in time of war or other emergency declared by proper authority in any of the military or naval forces of the state or of the United States for which leave is not otherwise allowed by

law; or (2) during convalescence for an injury or disease incurred during active service, as documented by a line-of-duty determination form signed by proper military authority, and any other documentation as reasonably requested by the employer; shall be entitled to leave of absence from the officer's or employee's public office or employment without pay during such service, with right of reinstatement as hereinafter provided. Such leave of absence without pay, whether heretofore or hereafter, shall not extend beyond four years plus such additional time in each case as such an officer or employee may be required to serve pursuant to law. This shall not be construed to preclude the allowance of leave with pay for such service to any person entitled thereto under section 43A.183, 192.26, or 471.975. Nothing in this section contained shall affect any of the provisions or application of section 352.27 nor of section 192.26 to 192.264, or any laws amendatory thereof, insofar as such sections pertain to the state employees retirement association or its members. "Active service" has the meaning given the term in section 190.05, subdivision 5.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2010, section 192.261, subdivision 6, is amended to read:

Subd. 6. **State emergencies; reemployment rights of nonpublic employees.** A person who engages in active service in the military forces in time of emergency declared by the proper authority of ~~the~~ any state who is not an officer or employee of ~~the~~ this state or of any political subdivision, municipal corporation, or other public agency of ~~the~~ this state is entitled to leave and reinstatement in the same manner and to the same extent as granted to officers and employees of ~~the~~ this state or of any political subdivision, municipal corporation, or other public agency of ~~the~~ this state by subdivisions 1 to 4. The provisions of this subdivision shall not entitle a person given leave and reinstatement rights by this subdivision to any pay during such service as provided by section 192.26. The provisions of this subdivision do not apply to situations in which the person's reemployment rights are protected by United States Code Annotated, appendix 50, section 459(g) of the Selective Service Act of 1967.

Sec. 5. Minnesota Statutes 2010, section 197.455, subdivision 4, is amended to read:

Subd. 4. **Nondisabled veteran's credit.** There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of ~~five~~ ten points provided that the veteran obtained a passing rating on the examination without the addition of the credit points.

Sec. 6. Minnesota Statutes 2010, section 197.455, subdivision 5, is amended to read:

Subd. 5. **Disabled veteran's credit.** There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of ~~ten~~ 15 points provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that (1) the veteran obtained a passing rating on the examination without the addition of the credit points; and (2) the veteran is applying for a first promotion after securing public employment.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective the day following final enactment.

Presented to the governor April 17, 2012

Signed by the governor April 18, 2012, 01:58 p.m.