

CITIZENS LEAGUE REPORT

No. 174

**Recommendations for Changes in
Veterans Preference Hiring
(Minneapolis & Hennepin Co.)**

February 1965

Citizens League
545 Mobil Oil Building
Minneapolis, Minnesota 55402

174

APPROVED
BOARD OF DIRECTORS
DATE FEB 17 1965

TO: Board of Directors

FROM: Veterans Preference Committee, Calvin G. Ireys, Chairman

SUBJECT: Recommendations for changes in veterans preference affecting public employment in Minneapolis and Hennepin County

STATEMENT OF PRINCIPLE

The committee accepts the basic principle that a veteran is entitled to special consideration in gaining employment as a recompense for the interruption of a career occasioned by service in the armed forces during a time of national emergency.

The obligation of the community to provide preference can most practically be satisfied by public employment through positions under civil service. However, the granting of preference results in a compromise of the merit principle. That this compromise does not result in lowering the quality of public service unduly and does not prevent the recruitment and promotion of qualified nonveterans is of primary concern to this committee.

The existing laws unduly favor a special class of people, are not equitable to nonveterans and are creating serious morale and efficiency problems for various governmental units.

The committee feels that the recommendations contained in this report will serve to redress the balance between a desire to assist the veteran and a desire to protect all the citizens through excellence in government.

RECOMMENDATIONS OF THE COMMITTEE

The committee believes that the following improvements in the law will remove some of the inequities present in public service.

1. Absolute preference should be replaced by a point preference added to a passing score for entrance into public service.
2. Veterans preference should be granted only at the time of original entrance.
3. With the exception of age waiver for veterans applying for entrance or promotion, personnel policies affecting employment should be applied uniformly to all employees.
4. Residence requirements relative to place of entry into the armed forces applicable to veterans seeking preference should be eliminated.
5. The requirement that no inquiry be made as to a veteran's status should be dropped.
6. The "unable to qualify" proviso that grants preference to spouses of disabled veterans should be clarified.

- 7.. A disability rating of 10% or greater, as determined by the VA, should be required before preference as a disabled veteran is granted.

BACKGROUND OF THE RECOMMENDATIONS

1. Absolute preference for entrance to public service should be replaced by a point preference system that augments a passing score.

Absolute preference violates the merit principle upon which civil service is based. Under the absolute system, a veteran with a passing score must be appointed before a nonveteran, even though the nonveteran may have obtained a higher score and is otherwise more highly qualified. The framework for selecting the best available candidate does not exist under absolute preference laws.

The committee feels that the granting of 10 points to a disabled veteran and 5 points to a nondisabled veteran to augment a passing score is sufficient to recognize the debt of the community and at the same time not do complete violence to the merit principle.

2. The granting of preference to veterans at the time of promotion should be abolished.

Once a veteran has been granted preference and has achieved employment in the public service, the additional granting of preference can only result in establishing a vested interest for a particular class of people. Under the present system, it is highly unusual that any nonveteran will ever rise appreciably in grade. It seems logical that a candidate who is not a veteran and is faced with this situation will, in many cases, seek private employment instead.

In the evaluation of personnel for promotion, scores are often grouped so tightly that the addition of points to a veteran's score results, in effect, in a system of absolute preference.

The committee believes that the continuation of preference beyond original appointment is the most detrimental of all the features of the existing veterans preference laws.

Elimination of the present system would result in a benefit to the selection process and to the overall efficiency of the public service.

3. The personnel policies affecting the conditions of employment should be uniform and equitable for all employees, veteran and nonveteran.

Present laws have created a "double standard" for the veteran and the nonveteran. With minor exceptions, the age, physical, and retirement policies established for employees in the public service are waived for the veteran. The committee feels that if certain qualifications are deemed necessary to properly fulfill the requirements of positions under civil service, the waiver of these qualifications can only result in a lessening of overall efficiency and quality.

The committee recommends that uniform policies regarding probationary periods, physical qualifications and compulsory retirement apply to veteran and nonveteran alike. The committee further recommends that no change be made in the waiver of age for veterans seeking entrance into public employment as a practical means of extending recompense for loss of time while serving in the armed forces.

4. The requirements regarding residence for achieving veterans status are discriminatory and should be abolished.

Present veterans preference laws require that a person applying for veterans preference must either have entered service from Minnesota or resided in the political subdivision wherein he is seeking employment for a period of five years preceding entry into the service.

The committee recommends that the normal residence requirements applicable to the position be substituted for this provision. A person is no less a veteran because he was inducted from another state. Normal residence requirements provide adequate protection against itinerant veterans attempting to take examinations in several states.

5. The requirement that no inquiry be made of a veteran's status prior to the examination should be eliminated.

As a practical matter, it is virtually impossible for the examiner to be unaware of an applicant's military service. The effect of this requirement actually works against the best interests of the veteran by delaying the examination period and extending the time leading to appointment.

The committee recommends that this requirement be eliminated in the selection process to facilitate the appointment of applicants.

6. The "unable to qualify" statement relating to disabled veterans and which grants preference to spouses should be defined.

Under present law, the preference normally granted to disabled veterans can be extended to the spouse of this veteran if he is unable to qualify for employment. It is not clear as to what the veteran should be unable to qualify for. If the veteran is unable to qualify for employment, the meaning of the provision can be interpreted differently than if he is unable to qualify for a particular position. The committee feels that the phrase "unable to qualify" that grants preference to spouses of disabled veterans should be clarified to state that the veteran should be unable to qualify for any public service employment because of a service-incurred disability. A spouse may then use this preference for any public service position for which he or she is qualified.

7. A disability rating of 10% or more, as established by the VA, should be required before granting disabled veterans preference.

At present, veterans who at one time had a disability rating by the VA but whose disability has been overcome to the point where they are now rated at 0% disabled are entitled to preference as a disabled veteran.

The committee feels that this is too lenient and that veterans should be rated at least 10% disabled in order to qualify for this preference.

SCOPE OF THE REPORT

The Citizens League's Board of Directors at its August, 1964, meeting directed the Veterans Preference Committee to develop specific proposals for legislation applying to Minneapolis and/or Hennepin County modifying the existing veterans preference laws affecting public employment. The Board specifically requested the committee to review previous Citizens League recommendations on this issue and to develop findings and recommendations in time for presentation to the 1965 legislative session.

MEMBERSHIP OF THE COMMITTEE

A total of 28 Citizens League members participated in the discussions of the Veterans Preference Review Committee. The committee had the benefit of having several members present who are directly connected with public employment at the city, county and state levels. In addition, a number of committee members have had extensive experience in personnel management. An analysis of the committee revealed that a majority of the members were, themselves, veterans.

A steering committee was appointed and assigned the task of formulating general recommendations for presentation to the full committee. The subcommittee was selected on the basis of assuring representation of the various viewpoints regarding the issues under study. Subcommittee members included Calvin G. Ireys, a councilman in Orono; Robert Chapman, Civil Service Department, City of Minneapolis; John Hanson, Personnel Director of Hennepin County; L. Edmund Leipold, Bloomington; James B. Lund, attorney; Dudley J. Russell, Archer-Daniels-Midland Company; John Savage, Cargill, Inc.; and Lloyd M. Short, Professor of Political Science, University of Minnesota.

The committee was assisted on a staff basis by Jerome S. Little, the League's Research Associate.

PROCEDURES OF THE COMMITTEE

The Veterans Preference Review Committee held its first meeting on December 15, 1964, and has met on a weekly basis since that time. During this period, the full committee has held five meetings. In addition, the steering committee met on two occasions. A considerable amount of additional work was done between meetings by individual committee members and by the League staff. The committee attempted to avail itself of the current viewpoints on this complex issue before reaching its own findings and recommendations. During its deliberations the committee was fortunate in securing presentations by David Kennedy, staff attorney for the League of Minnesota Municipalities, who has been directly concerned with the drafting of proposed legislation for modifying veterans preference laws in the State of Minnesota; Walter U. Hauser, attorney, who has long been interested in veterans' affairs; Lowell Eastland, Adjutant Quartermaster of the Veterans of Foreign Wars of the State of Minnesota; Patrolmen Mavity and Cooper and Sergeant Dickinson of the Minneapolis Police Department. Former reports on the subject by the Citizens League, as well as the work of other organizations, were reviewed by the committee.

BACKGROUND AND RECENT DEVELOPMENTS

During the past 15 years, various public officials and citizens organizations have made studies and recommendations regarding the existing veterans preference laws. These studies have been based on the belief that veterans preference seriously hampers public administration by preventing highly qualified candidates

from receiving appointments and that the morale of individual departments is seriously affected.

The interest of the Citizens League in this subject dates back to 1954. The committee at that time uncovered several dramatic examples of the inequities of veterans preference in Minneapolis civil service, including the now famous Waterhouse case. It suggested several basic changes in the veterans preference law, the most important of which was a substitution of point preference for absolute preference in appointment and promotion.

In 1959, the Citizens League again considered the subject to be of sufficient importance to warrant committee consideration. The recommendations contained in that report followed generally those of the earlier 1954 report. This committee did not take issue with the theory of veterans preference. It stated, "The community owes this debt as a recompense for time spent in the country's service which ordinarily would be devoted to pursuing a career and gaining experience, seniority and tenure." The concern of this committee was expressed in a following statement that "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."

In recent months, veterans preference has received considerable publicity in the Minneapolis newspapers. Recent developments in the Minneapolis Police Federation have given substance to the argument that serious morale problems exist in city departments.

The most recent proposals regarding veterans preference were offered by the League of Minnesota Municipalities at its Legislative Conference in June, 1964. Its recommendation came in the form of a legislative proposal and is concerned with local public employment on a statewide basis. Other research studies that have touched on the problem of veterans preference include the Little Hoover Commission report, the 1949 Interim Commission report on veterans preference, and the earlier Legislative Research Committee report.

PRESENT STATUS OF VETERANS PREFERENCE

There are two Minnesota statutes granting preferment to veterans that are applicable to public service. One extends an advantage to veterans seeking employment or promotion in the state classified civil service and one grants advantages to veterans seeking employment or promotion in local government civil service systems.

The preference given to veterans by the statute applying to local government employees is, in some respects, greater than the preference given to veterans by the state civil service. At the local level, no points are given. Instead, the veteran, whether he be disabled or not, goes to the top of the eligible list, provided he achieved a passing score in the examination. At the state level, the law differs in that points (5 for a non-disabled veteran and 10 for a disabled veteran) can be used to pass the examination. The non-disabled veteran is then ranked on the basis of his augmented score, while the disabled veteran receives the additional advantage of having his name placed at the top of the list. The preference granted to the veteran is applicable to both original and promotional examinations.

Veterans preference at the local level differs from the state classified civil service by making no differentiation between a disabled and non-disabled veteran.

Both are elevated to the top of the eligible list after passing the examination.

A nonveteran seeking a career in the public service must compete against the advantage extended to veterans, not only in securing the original appointment, but also, if he is successful in securing appointment, he must continue to compete at a disadvantage for any promotional opportunity that might be presented. Even though a nonveteran passes with a high score and is otherwise eminently qualified, his appointment or promotion must wait until all veterans on the eligible list have been granted a position. In addition, the statute granting preference allows the waiver of age and physical requirements for veterans.

It should be noted that a few positions in Minneapolis departments can be filled through appointment at the discretion of the appointing authority. These are certain high level posts; e.g., the Minneapolis Police Chief and secretary or staff members that are classed as confidential.

Both the state classified civil service law and the local civil service law are inconsistent with the law governing the federal classified civil service. While the federal government does allow point preference (5 for non-disabled veterans and 10 for disabled veterans) on entrance examination, it does not provide nor grant preference for promotion.

DISCUSSION OF MAJOR FINDINGS

1. Effects of absolute preference. Of primary concern to the committee was the effect of absolute preference on the operation of local government. While the committee has recommended elsewhere in this report that absolute preference for entry into the service should be replaced by a point augmentation of a passing score, the real argument against absolute preference focused on the promotional aspects of the present law.

The proponents of veterans preference have put forth the argument that municipal departments contain good employees and that no measurable harm is being done to the public service that can be attributed to veterans preference. The committee does not take issue with the statement regarding competent employees, partly because this subject is outside the scope of the committee and partly because there is no practical way to establish a true basis of comparison for the quality of work done by city departments.

The committee did feel, however, that if it could be demonstrated that the absolute preference feature of the law regarding promotions was, in effect, creating serious morale and efficiency problems within the departments and was detrimental to civil service officials in their attempts to attract highly qualified people to the service, then this feature of the law should be reviewed.

Past reports of the Citizens League, as well as those of other organizations, based the argument for abolishing absolute preference in promotion largely upon personal cases and the individually-created inequities. The specific situations regarding Al Waterhouse in the Fire Department and Pat Walling in the Police Department are especially noteworthy. The present committee, however, placed its approach on a more general basis in attempting to determine whether or not absolute preference was working to the detriment of the public service.

Recent studies compiled with the assistance of the Minneapolis Civil Service Department have shed new light upon this matter. The compilations presented in

this report offer substantial proof that veterans preference, particularly regarding promotion, is abnormally discriminatory and highly unjust to these employees not qualifying as veterans. The committee feels strongly that such a highly discriminatory feature as this can only do great harm to public employment in the long run.

Perhaps the most revealing of the statistics presented are contained in Appendix A. This study, entitled "A Tabulation of the Use of Veterans Preference in the City of Minneapolis Civil Service System at the Entry Level and for Promotional Positions for Selected Large Occupational Groups," illustrates quite conclusively the lack of opportunity presented to the nonveteran entering public service in the City of Minneapolis. On Page 1 of Appendix A is a tabulation of the use of veterans preference for all male fire service personnel for their present civil service status. It shows that presently there are 558 fire service personnel in the department, 364 of whom gained their present positions claiming veterans preference and 194 who gained their present positions not claiming veterans preference. The 364 employees who claimed veterans preference have accumulated a total of 190 promotions. The employees not claiming veterans preference have accumulated a total of 20 promotions. This figure becomes even more significant when it is realized that of the 20 promotions, 19 were only to the first level, and only one nonveteran has achieved substantial advancement, while those claiming veterans preference have achieved 112 promotions above the first level. In other words, a nonveteran is faced with the prospect that the odds are 10 to 1 against his ever receiving any promotion whatsoever. Even if he is fortunate enough to achieve the first level in promotion, the odds increase to nearly 200 to 1 that he will ever progress beyond this point.

Page 2 of Appendix A is a tabulation of the use of veterans preference of all male uniformed and detective personnel for their present civil service in the Minneapolis Police Department. Interpretation of these statistics again points conclusively to the lack of opportunity available for the nonveteran in Minneapolis departments. There are presently 725 male uniformed and detective personnel in the Minneapolis Police Department. 436 of these employees claimed veterans preference to get their present positions in the department, while 289 claimed no veterans preference. Those employees claiming veterans preference have accumulated a total of 159 promotions, while those employees not entitled to veterans preference have accumulated a total of 6 promotions. Read another way, while 36% of the veterans have achieved promotion, only 2% of the nonveterans have received promotion.

Appendix A contains data on other Minneapolis Departments: male janitor-engineer line for the Board of Education, professional employees of the Minneapolis Relief Department, and sub-professional employees of the Library Board.

The committee feels that there is a definite lack of opportunity available to the nonveteran under present civil service law.

2. Future opportunities for nonveterans. Appendix B shows the effect of intervening time on the number of patrolmen veterans seeking employment as patrolmen for the period between March 1955 and April 1964. The data presented here indicate the continuously dropping number of veterans on the civil service eligible lists for patrolman in the Minneapolis Police Department. The most recent examination produced a list of eligibles of which only 8% were veterans. The figures regarding promotional eligibles presents quite a different story, however. Appendix C shows that since the Korean conflict, the percentage of veterans qualifying for promotion is increasing. These veterans must be placed ahead of all nonveterans on the eligible list. Since age and physical requirements are waived for the veteran, there is no fairness

of competition available to the nonveteran. The committee agrees with civil service officials who have stated publicly that they cannot, in all honesty, recommend civil service employment to a nonveteran who is interested in advancing his career. The committee feels, further, that the contention that qualified applicants are refusing to be attracted to public employment is irrefutable. The federal civil service does not provide for preference in promotion. The committee agrees with this logic and recommends that it be instituted at the local level.

CONCLUSIONS

The committee recommends that the changes proposed in this report be presented to the Legislative Action Committee for consideration in its program. The League of Minnesota Municipalities is also considering changes in the veterans preference laws affecting employment at the municipal level and has indicated the desire to join with the Citizens League in working out a program supporting these changes.

APPENDIX A

A TABULATION OF THE USE OF VETERANS PREFERENCE IN
THE CITY OF MINNEAPOLIS CIVIL SERVICE SYSTEM AT
THE ENTRY LEVEL AND FOR PROMOTIONAL POSITIONS
FOR SELECTED LARGE OCCUPATIONAL GROUPS

December 23, 1964

MINNEAPOLIS FIRE DEPARTMENT

TABULATION OF USE OF VETERAN'S PREFERENCE OF ALL MALE FIRE SERVICE PERSONNEL
FOR THEIR PRESENT CIVIL SERVICE STATUS

	Class	Claimed Vet's Pref.	No. Vets Pref. Claim	Civil Service Total
Entry	Fire Fighter	174	174	348
Promotional	Fire Motor Operator	78	19	97
	Signal Operator (Fire Equipment Dispatcher)	4	0	4
	Supervisor Educational Division	1	0	1
	Fire Captain	82	0	82
	Fire Investigator	4	0	4
	District Chief	20		20
	Chief Fire Investigator	0	1	1
	Chief of Fire Department	1	0	1
	TOTAL	364	194	558
	TOTAL PROMOTED	190	20	210
	PERCENT PROMOTED	52%	10%	38%

MINNEAPOLIS POLICE DEPARTMENT (POLICE SERVICE MALES)

TABULATION OF USE OF VETERANS PREFERENCE OF ALL MALE UNIFORMED AND DETECTIVE
PERSONNEL FOR THEIR PRESENT CIVIL SERVICE STATUS

	Class	Claimed Vet's Pref.	No Vets Pref. Claim	Civil Service Total
Entry	Patrolman	277	283	560
Promotional	Sergeant	33	0	33
	Detective	88	2	90
	Lieutenant	16	1	17
	Captain	9	0	9
	Detective Supervisor	4	0	4
	Detective Captain	5	0	5
	Identification Officer	3	2	5
	Superintendent of Identification Bureau	0	1	1
	Police Drill and Band Instructor	1	0	1
	TOTAL	436	289	725
	TOTAL PROMOTED	159	6	165
	PERCENT PROMOTED	36%	2%	23%

BOARD OF EDUCATION:

TABULATION OF USE OF VETERANS PREFERENCE FOR THEIR PRESENT POSITION OF ALL
 MALE "JANITOR-ENGINEER LINE" PERSONNEL FOR THEIR PRESENT CIVIL SERVICE STATUS

	Class	Claimed Vet's Pref.	No Vets Pref. Claim	Civil Service Total
Entry	Janitor	74	10	84
	Janitor Engineer	58	120	178
Promotional	Assistant Janitor Engineer i/c Grade School	64	11	75
	Assistant Janitor Engineer i/c Secondary School	30	1	31
	Janitor Engineer i/c Grade School	55	14	69
	Janitor Engineer i/c Secondary School	16	12	28
	Plant Instructor	1	1	2
	Assist. Supervisor, Plant Operations	1	0	1
	Supervisor, Plant Operations	1	0	1
	Fuel Stock Inspector	1	0	1
	TOTAL	301	169	470
	TOTAL PROMOTED	169	39	208
	PERCENT PROMOTED	56%	23%	44%

TABULATION OF PRESENT PROFESSIONAL EMPLOYEES USE OF VETERANS PREFERENCE WHEN
APPOINTED TO THEIR PRESENT CIVIL SERVICE STATUS, EXCLUDING DIRECTORS

	Class	Claimed Vet's Pref.	No Vets Pref. Claim	Civil Service Total
Entry	Social Worker	10	26	36
	Social Service Counselor	0	1	1
Promotional	Casework Supervisor	3	2	5
	Social Service Supervisor	0	0	0
	Social Service Unit Supervisor	2	0	2
	TOTAL	15	29	44
	TOTAL PROMOTED	5	2	7
	PER CENT PROMOTED	33%	7%	16%

TABULATION OF PRESENT SUB-PROFESSIONAL LIBRARY EMPLOYEES USE OF VETERANS
PREFERENCE WHEN APPOINTED TO THEIR PRESENT POSITION

	Class	Claimed Vet's Pref.	No Vets Pref. Claim	Civil Service Total
Entry	Library Aide I	1	57	58
Promotional	Library Aide II	3	13	16
	Book Preparation Aide I		3	3
	Book Preparation Aide II		1	1
	Circulation Dept. Clerk		1	1
	Catalogue Card Clerk		1	1
	Supervisor Circulation Department		1	1
	TOTAL	4	77	81
	TOTAL PROMOTED	3	20	23
	PERCENT PROMOTED	75%	26%	28%

APPENDIX B

RECRUITING AND EXAMINATION STATISTICS FOR PATROLMAN BY THE MINNEAPOLIS CIVIL SERVICE COMMISSION FOR THE LAST TEN YEARS

Official Exam No.	Closing Date	Posting Date	Number of Applicants	Number of Eligibles*	Percent of Eligibles to Applicants	Percent of Veterans on Eligible List
6590	4/64	7/64	284	48	17%	8%
6276	9/62	3/63	271	36	13%	11%
6100	11/61	1/62	718	158	22%	20%
5878	8/60	2/61	242	55	23%	52%
5726	11/59	1/60	193	57	30%	70%
5321	8/57	1/58	209	62	30%	84%
4925	3/55	6/55	286	83	29%	78%

* Eligible - Applicants who successfully complete all parts of the examination and are eligible to be hired as needed.

1/4/65
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APPENDIX C

USE OF VETERANS PREFERENCE UNDER THE MINNEAPOLIS CIVIL SERVICE COMMISSION BY ELIGIBLES WHO PASSED CIVIL SERVICE ENTRANCE EXAMINATIONS AND PROMOTIONAL

<u>Year</u>	<u>Entrance Examinations</u>			<u>Promotional Examinations</u>		
	<u>Total</u> <u>Elig.</u>	<u>No. Claim</u> <u>Vets Pref.</u>	<u>Percent of Elig.</u> <u>Claiming Vets Pref.</u>	<u>Total</u> <u>Elig.</u>	<u>No. Claim</u> <u>Vets Pref.</u>	<u>Percent of Elig.</u> <u>Claim Vets Pref.</u>
1948	3629	742	20%	484	239	49%
1953	905	216	24%	481	153	32%
1958	1257	234	19%	566	246	43%
1963	1997	263	13%	332	149	45%

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