

405 VETERAN'S PREFERENCE

I. PURPOSE

The purpose of this policy is to comply with the Minnesota Veterans Preference Act (VPA) which provides preference points for covered veterans applying for employment with political subdivisions, including school districts, as well as additional rights for veterans in the removal/discharge process.

II. GENERAL STATEMENT OF POLICY

- A. The school district's policy is to comply with the VPA regarding veteran's preference rights and mandated preference points in hiring to covered veterans and spouses of deceased veterans or disabled veterans.
- B. The school district's policy is also to comply with the VPA requirement that no covered veteran may be removed or discharged from public employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges, and in writing. This paragraph does not apply to the position of teacher.
- C. Eligibility for and application of veteran's preference, the definition of a veteran, and the definition of a disabled veteran for purposes of this policy will be pursuant to the VPA.
- D. The VPA and the provisions of this policy regarding preference in hiring and removal/discharge do not apply to the position of private secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the school board or school district.
- E. The VPA and the provisions of this policy regarding removal/discharge do not apply to teachers.

III. VETERAN'S PREFERENCE IN HIRING

- A. Veteran's preference points will be applied in hiring pursuant to applicable law as follows:
 - 1. A credit of ten points shall be added to the competitive open examination rating of a non disabled veteran, who so elects, provided that the veteran

obtained a passing rating on the examination without the addition of the credit points.

2. A credit of fifteen points shall be added to the competitive open examination rating of a disabled veteran, who so elects, provided that the veteran obtained a passing rating on the examination without the addition of the credit points.
 3. A credit of five points shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, provided that (a) the veteran obtained a passing rating on the examination without the addition of the credit points and (b) the veteran is applying for a first promotion after securing public employment.
 4. A preference may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.
- B. When notifying applicants that they have been accepted into the selection process, the school district shall notify applicants that they may elect to use veteran's preference.
- C. The school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points. The school district may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching position, preference points will not be added, but all veteran applicants who have proper licensure for the teaching position will be granted an interview for the position. If the school district uses the 100-point hiring system for filling teaching positions, it will credit covered veterans points as provided in the VPA and this policy.
- D. An applicant with a rating augmented by veteran's preference shall be entered on an eligible list ahead of a nonveteran with the same rating.
- E. If the school district rejects a member of the finalist pool who has claimed veteran's preference, the school district shall notify the finalist in writing of the reasons for the rejection and file the notice with the school district's personnel officer.

[Note: A school district may require a veteran to complete an initial hiring probationary period as defined in Minn. Stat. §43A.16.]

IV. VETERAN'S PREFERENCE REMOVAL/DISCHARGE RIGHTS

- A. In accordance with the VPA, no honorably discharged covered veteran shall be removed or discharged from a position of employment after any initial hiring probationary period expires except for incompetency, misconduct, or good faith

abolishment of position. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.

- B. A covered veteran has the right to request a hearing within 30 days of receipt of notice of the school district's intent to remove the veteran from his or her position or discharge from employment. A failure to request a hearing within the 30 day period constitutes waiver of the right to a hearing.
- C. A veteran must irrevocably elect to be governed either by the VPA or by procedures set forth in a collective bargaining agreement in the event of a proposed removal/discharge, but not both.
- D. A veteran who elects to have a hearing for removal or discharge by the VPA with the school district will have the hearing before an arbitrator. The arbitrator will be selected through a list provided by the Bureau of Mediation Services.

Legal References: Minn. Stat. § 43A.11 (Veteran's Preference)
Minn. Stat. § 197.455 (Veteran's Preference Applied)
Minn. Stat. § 197.46 (Veterans Preference Act)
Hall v. City of Champlin, 463 N.W.2d 502 (Minn. 1990)
Young v. City of Duluth, 410 N.W.2d 27 (Minn. Ct. App. 1987)

Cross References: Board Policy 401 (Equal Employment Opportunity)

BOARD POLICY 405
St. Cloud Area School District 742
Waite Park, Minnesota

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