

Date Adopted: 10/13/97	File Number: Detroit Lakes Policy - 405
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## **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 veterans applying for employment with political subdivisions, including school districts, as well as additional rights for veterans in the discharge process.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school district's policy is to comply with the VPA regarding veteran's preference rights in the hiring process.
- B. The school district's policy is also to comply with the VPA requirement that no covered veteran may be removed from public employment except for good faith abolishment of position or incompetency or misconduct shown after a hearing upon due notice and in writing. This paragraph does not apply to the position of teacher.
- C. Veteran preference will be applied either by granting the veteran applicant(s) an interview or by applying preference points pursuant to applicable law as follows:
  1. A credit of five 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 ten 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.

- D. Eligibility for and application of veteran's preference, ~~and~~ the definition of veteran, and the definition of a disabled veteran for purposes of this policy will be pursuant to the VPA.
- E. Applicants are notified that they may elect to use veteran's preference on the employment application form
- F. When using the point system, the school district's policy is to use a 100-point hiring system to enable allocation of veteran's preference points.
- G. 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 Human Resources Department.
- H. In accordance with the VPA, no honorably discharged veteran shall be removed from a position of employment except for incompetency, misconduct, or good faith abolishment of position.
  - 1. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
  - 2. A veteran must irrevocably elect to be governed either by the VPA or by arbitration provisions set forth in a collective bargaining agreement in the event of a discharge.
- I. The VPA and the provisions of this policy 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. The VPA and the provisions of this policy apply to teachers only with respect to the hiring process, as set forth in Paragraph F., above.

**Legal References:** Minn. Stat. § 43A.11 (Veteran's Preference)  
Minn. Stat. § 197.455 (Veteran's Preference Applied)  
Minn. Stat. § 197.46 et. seq. (Veteran's Preference Act)  
Hall v. City of Champlin, 463 N.W.2d 502 (1990)

**Cross References:** MSBA Model Policy 401 (Equal Employment Opportunity)