

*Adopted: May 9, 2011*  
*Revised: April 13, 2015; April 9, 2018*  
*Reviewed: May 24, 2021, April 22, 2024*

## **405 VETERAN'S PREFERENCE**

### **I. PURPOSE**

The purpose of this policy is to comply with 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 and the mandated preference points to 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 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.

### **III. APPLICATION FOR EMPLOYMENT**

- A. 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.
- 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 and the election process.
- C. If a 100 point hiring system is not used for filling a position, preference points will not be added, but all eligible veteran applicants who have proper licensure qualifications for the position will be granted an interview for the position.
- D. 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 Director.

#### **IV. VETERANS PREFERENCE HEARING**

A. 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.

B. 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.

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

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