



Adopted: MSBA/MASA Model Policy 405

Revised: 2016 (Originated. 1995)

405 Veteran's Preference

[Note: The provisions of this policy substantially reflect legal requirements.]

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 and service cooperatives, as well as additional rights for veterans in the discharge process.

II. GENERAL STATEMENT OF POLICY

- A.** BrightWorks policy is to comply with the VPA regarding veteran's preference rights and mandated preference points to veterans and spouses of deceased veterans or disabled veterans.
- B.** BrightWorks 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.
- C.** Veteran's preference points will be applied 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.
- D. 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.
 - E. When notifying applicants that they have been accepted into the selection process, BrightWorks shall notify applicants that they may elect to use veteran's preference.
 - F. BrightWorks policy is to use a 100-point hiring system to enable allocation of veteran's preference points. BrightWorks may or may not use a 100-point hiring system for filling staff positions. If a 100-point hiring system is not used for filling a staff 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.
 - G. If BrightWorks rejects a member of the finalist pool who has claimed veteran's preference, BrightWorks shall notify the finalist in writing of the reasons for the rejection and file the notice with BrightWorks' personnel officer.

[Note: BrightWorks may require a veteran to complete an initial hiring probationary period as defined in Minnesota Statutes section 43A.16.]

- 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, executive director, head of a department, or any person holding a strictly confidential relation to the executive board or BrightWorks. The VPA and the provisions of this policy apply to staff 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 (Veterans 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: MSBA/MASA Model Policy 401 (Equal Employment Opportunity)