

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, 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 mandated preference points to veterans and spouses of deceased veterans or disabled veterans.
- B. The district complies 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 state 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 preference points, the definition of a veteran, and the definition of a disabled veteran are 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.
- C. If the school district does not select an interviewed applicant who has received 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 resource director.
- D. The provisions in Section III do not apply to the position of confidential secretary, superintendent, head of a department or any person holding a strictly confidential relation to the school board or school district, or other positions not covered under Minn. Stat. § 197.46.

IV. VETERANS PREFERENCE HEARING

- A. In accordance with the VPA, no honorably discharged veteran shall be discharged from a position of employment except for incompetency, misconduct, or good faith elimination of position. This provision does not apply to teachers or others as indicated in Section IVB, below.

1. A covered veteran has the right to request a hearing within 60 days of receipt of a notice of intent to discharge.
2. A covered veteran's failure to request a hearing within the provided 60-day period constitutes a waiver of the right to a hearing.
3. Incompetency or misconduct must be shown after a hearing, upon due notice, upon stated charges, in writing.
4. 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 provisions in Section IV do not apply to the position of teacher, confidential secretary, superintendent, head of a department, or any person holding a strictly confidential relation to the school board or school district, or other positions not covered under Minn. Stat. § 197.46.

Legal References:

Minn. Stat. § 43A.11 (Veteran's Preference)

Minn. Stat. § 197.455 (Veteran's Preference Applied)

Minn. Stat. § 197.46 (Veteran's 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:

Policy 401 (Equal Employment Opportunity)

Policy Adopted: 3/19/01

Policy Revised: 5/18/09, 7/18/11, 11/13, 11/21/16, 11/20/17

Alexandria Public Schools - No. 206

Alexandria, Minnesota