

## Personnel

### Veteran's Preference Act

#### I. Purpose

The school district complies with the Minnesota Veteran's Preference Act ("VPA") that provides preference points for veterans applying for public employment, including school districts, as well as additional rights for some eligible veterans in the employment discharge process.

#### II. General Statement of Policy

- A. The school district complies with VPA requirements mandates regarding veteran's preference rights and preference points to veterans and spouses of deceased veterans or disabled veterans.
- B. The district complies with the VPA requirement mandates 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 probationary employees, teachers, private secretaries, superintendent, department heads, or any person holding a strictly confidential relation to the school board or district ~~some district employees, including 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. In the application process, the school district notifies applicants that they may elect to use veteran's preference and the election process.
- C. If the district does not select an interviewed applicant who has received veteran's preference, the district will notify the applicant in writing of the reasons for the rejection and retain the notification.
- D. ~~The provisions in Section III 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, or other positions not covered under Minn. Stat. § 197.46.~~

#### IV. Veterans Preference Hearing

- A. In accordance with the VPA, an honorably discharged veteran will not be discharged from a position of employment except for incompetency, misconduct, or good faith elimination of the position. This provision does not apply to teachers or others as indicated in Section B below.
1. A covered veteran has the right to request a hearing within ~~thirty (30)~~ 60 days of receipt of the notice of intent to discharge.
  2. A covered veteran's failure to request a hearing within the provided ~~thirty (30)~~ 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 ~~the grievance~~ procedures set forth in a collective bargaining agreement in the event of a proposed discharge.
- B. The provisions in Section IV do not apply to ~~probationary employees, the position of teachers, private secretaries, superintendent, department heads 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.~~ ~~probationary employees, the position of teachers, private secretaries, superintendent, department heads 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 et seq. (Veterans Preference Act; [Removal Forbidden; Right of Mandamus](#))

*Hall v. City of Champlin*, 463 N.W.2d 502 (Minn. 1990)

*Young v. City of Duluth*, 410 N.W.2d 27 (Minn. App.1987)

Cross Reference:

Policy 401 (Equal Employment Opportunity)

Policy

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INDEPENDENT SCHOOL DISTRICT NO. 273

Edina, Minnesota