

*****400.10- Idaho State Veteran Employment Preference:** The statutory provisions governing the rights and privileges of veterans related to preference in government hiring have been amended several times since this policy was last updated. Definitions have been modified or added, certain employer obligations have been added and the appeal procedure for which school districts must provide notice are now included in this updated policy. We have also included a legal reference to the state regulations governing enforcement of the veteran's preference, which includes an appeal procedure districts can use for appeals. We recommend accepting Option 1.

This school district is committed to honoring those citizens who have served their country in active duty of the armed forces by providing veterans a more favorable competitive position for employment. In accordance with this policy and Idaho law, this district provides eligible veterans, as defined herein, preference for initial employment and retention in the event of layoffs. This policy outlines the district's obligation related to preference for eligible veterans, but it does not guarantee a job to such eligible veterans.

DEFINITIONS

“Active duty” means, for purposes of veterans’ preference, full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the secretary of the military department concerned.

“Civil service position” means a position for which the employee is selected from a pool of applicants through a competitive examination, a merit system or any other rating system based on experience and qualifications.

“Disabled veteran” means those veterans separated under honorable conditions who:

- (a) have served on active duty in the Armed Forces and have a current service-connected disability of ten percent (10%) or more or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the Department of Veteran Affairs; or
- (b) are purple heart recipients.

“Eligible veterans” means those individuals eligible for a veterans’ preference as defined in Idaho law and this policy. Eligible individuals include:

- veterans and disabled veterans as defined herein;
- a widow or widower of any veteran as long as he or she remains unmarried; and

- the wife or husband of a service-connected disabled veteran if the veteran cannot qualify for any public employment because of a service-connected disability.

“Honorable conditions” means an honorable discharge or a general discharge “under honorable conditions.”

“Initial **appointment**” means the first time a **qualified** veteran is hired by the district; provided however, subsequent separation from the district for any reason will not result in the award of new preference **or preference points** with the district. Temporary or casual employment does not qualify as an “initial **appointment**.”

“Key employee” means an individual specifically hired for an “at-will” or nonclassified position for which there is no **competitive** selection process **based on merit, experience and qualification, and where:**

- (a) The position requires an advanced degree and the exercise of independent judgment for a majority of the employee’s duties;
- (b) The primary duty of the position is the management of a department or subdivision of the district and the position requires the exercise of independent judgment for a majority of position duties;
- (c) The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the employee holds a confidential relationship to the appointing or employing officer or elected official; or
- (d) The primary duty of the position is to provide advice or consultation to an elected official and the employee holds a confidential relationship to the elected official.

“Register” means a list of names of persons who have been determined to be eligible for employment in a civil service position.

“Service-connected disability” means that the veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal Veterans Administration or an agency of the Department of Defense.

“Temporary or casual employment” means employment for a brief, non-recurrent period where there is no reasonable expectation that such employment will continue indefinitely or for a significant period of time.

“Veteran” means any person who has been discharged or released from active duty in the Armed Forces under honorable conditions provided they have served on active duty for a minimum of one hundred eighty (180) consecutive days.

NOTICE OF PREFERENCE

The district’s employment application forms, announcements, and postings for positions will state that preference will be given to eligible veterans. The application form will inquire as to whether the applicant is claiming eligibility for such preference, **whether the applicant has previously claimed such a preference**, and state that the applicant is required to provide proof of such

eligibility. The applicant is responsible for providing all necessary documentation of his/her eligibility as a veteran at the time of making application.

APPLICANTS ELIGIBLE FOR VETERANS' PREFERENCE

In all employment (excluding key employee **positions**), this district shall give preference to eligible veterans as follows:

1. **PREFERENCE OVER NON-VETERANS.** An eligible veteran applicant is entitled to a preference in initial application for hiring with the district over other applicants for the same position who are not more qualified.
2. **COMPETITIVE EXAMINATIONS.** If applicants are required to take competitive examinations, five (5) percentage points shall be added to the earned rating of any applicant who is eligible for veterans' preference points. The enhanced score shall be used in establishing a rating. **The names of all five-point preference eligible applicants will be placed on the register in accordance with their augmented rating.**
3. **COMPETITIVE EXAMINATIONS—DISABLED VETERANS.** If applicants are required to take competitive examinations, ten (10) percentage points shall be added to the earned rating of any applicant who is eligible for veterans' preference points as a disabled veteran **or as the widow or widower of any disabled veteran as long as he or she remains unmarried or the spouse of any eligible disabled veteran who cannot qualify for public employment because of a service-connected disability. The names of all ten-point preference eligible applicants will be placed on the register in accordance with their augmented rating.**
4. **INTERVIEW REQUIREMENTS.** Disabled veterans who have a current service-connected disability of thirty percent (30%) or more must be offered an interview if they are one of the qualified **applicants on the register for the position.** If applicants are not ranked, the district must offer to interview such veterans who fully meet all qualifications for the position. Notwithstanding this subsection, the district is not be required to interview more than a total of ten (10) applicants regardless of the number of such qualified veteran applicants.

APPLICATION TIMELINES

The district will accept an application for appointment to a position after the closing date of the examination from an applicant who was serving in the Armed Forces, or undergoing service-connected hospitalization up to one (1) year following discharge. However, the application must be submitted within one hundred twenty (120) days of the applicant's separation from the Armed Forces or hospitalization, prior to the expiration of any register established as a result of the examination, and prior to the selection for the position.

A disabled veteran may file an application at any time up until a selection has been made for any position for which a register is then maintained as a source for future job openings, or for which a register is about to be established, provided he or she (i) has not already been examined twice for

the same position and grade for which application is made; (ii) does not have current eligibility for that register; or (iii) is not serving in a competitive position in the same grade for which application is made. If a register is not used as part of the selection process, a disabled veteran may file an application after the closing date, but such application will only be considered if a selection has not been made and the selection process is still active.

The district reserves the right to refuse to accept an application from an otherwise qualified preference eligible applicant who is deemed unqualified through his or her actions. Examples of such actions include dismissal for cause from a public entity; a felony conviction; or conduct unbecoming a public employee. Any such refusal must be supported by good cause and is appealable in accordance with this policy and Idaho law.

EMERGENCY HIRING

In the event of an emergency which may endanger the health, safety, and public welfare, these provisions may be dispensed with temporarily, but persons so employed may not be allowed to work for a time period of more than ninety (90) days, except as employees who meet all the requirements of the veterans' preference provisions stated above.

PROMOTION, TRANSFER, OR REASSIGNMENT

This policy applies only for the purpose of an initial hire by the district. Veterans' preference, and any benefits set forth in this policy for eligible veterans, is not relevant to and will not be considered whenever personnel decisions are made relative to an employee's promotion, transfer, or reassignment within the district.

APPEAL RIGHTS

Applicants who believe they have been denied a right or benefit as set forth in this policy may file an appeal with the Board of Trustees within thirty-five (35) days of the alleged denial of preference. For applicants who have notified the district of their eligibility for veterans' preference in accordance with this policy and Idaho Code §65-503A, the district will provide notice of such applicants' appeal rights at the conclusion of the selection process. The 35-day appeal period shall commence upon issuance of notice of the appeal process by the district. In the event the district fails to issue such notice, the appeal period will commence when the applicant becomes aware that he or she was not selected for the position. **[NOTE: Districts should either adopt their own internal procedures for processing an appeal or follow the procedure set forth in state regulations]** *Option 1: This district follows the appeal procedures set forth in IDAPA 21.01.06. OR Option 2: This district's appeal procedures are set forth in [cite policy/procedure/handbook where procedure can be found].*



LEGAL REFERENCE:

Idaho Code §§65-501 *et seq.*

IDAPA 21.01.06 (Rules for the Enforcement of the Veteran's Preference in Public Employment)

ADOPTED:

AMENDED: