TRIO Wolf Creek Distance Learning Charter School #4095

405 VETERAN'S PREFERENCE

I. PURPOSE

The purpose of this policy is to comply with Minnesota law mandating preference points for veterans applying for employment with political subdivisions.

II. GENERAL STATEMENT OF POLICY

A. It is the charter school's policy to comply with Minnesota law regarding veteran's preference rights (VPA) and the mandating of preference points to veterans and spouses of deceased veterans or disabled veterans.

B. The charter school's policy is also to comply with the VPA requirement that no covered veteran may be removed from employment except for incompetency or misconduct shown after a hearing upon due notice and in writing. This paragraph does not apply to the position of teacher.

C. Veteran preference points will be applied pursuant to applicable law as follows:

1. There shall be added to the competitive open examination rating of a non-disabled veteran, who so elects, a credit of ten points provided that the veteran obtained a passing rating on the examination without the addition of the credit points.

2. There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of fifteen points provided that the veteran obtained a passing rating on the examination without the addition of the credit points.

3. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points 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 and the definition of a veteran for purpose of preference will be pursuant to applicable law.

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E. When notifying applicants that they have been accepted into the selection process, the charter school shall notify applicants that they may elect to use veteran's preference.

F. It is the charter school's policy to use a 100-point hiring system to enable allocation of veteran preference points. The charter school may or may not use a 100-point hiring system for filling teaching positions. If a 100-point hiring system is not used for filling a teaching 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 the charter school rejects a member of the finalist pool who has claimed veteran's preference, the charter school shall notify the finalist in writing of the reasons for the rejection and file the notice with the charter school's personnel officer.

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, Director, Dean of Students, or any person holding a strictly confidential relation to the charter school board or charter school. The VPA and the provisions of this policy apply to teachers 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 (Veteran's 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: Policy 401 (Equal Employment Opportunity)