

## VETERAN'S PREFERENCE

If a veteran possesses the qualifications necessary to discharge the duties of the position involved, the veteran shall receive preference for employment and promotion. For the purposes of this policy, the term "veteran" means any person who: (1) has served the full obligation for active duty, reserve, or National Guard service in the military, or received an early discharge for a medical condition, hardship, reduction in force, or at the convenience of the military; and (2) has been separated or discharged from such service honorably or under honorable conditions.

In order to determine if the veteran's performance applies, each applicant for employment shall complete an employment application on which the applicant is asked if the applicant is a veteran. All veterans are subject to criminal background check requirements as set forth in state law.

Age, loss of limb, or other physical impairment which does not in fact incapacitate does not disqualify the veteran. A veteran who has a service-connected disability shall be given preference over a nondisabled veteran.

The unmarried spouse of a veteran who dies while in service, or later died from a service connected cause, is entitled to the preferences given to the veteran if the spouse possesses the qualifications and business capacity necessary to discharge the duties of the position involved. If a veteran disabled due to a service connected cause, is unable to exercise the right to a veteran employment preference due to the disability, the veteran's spouse is entitled to the preferences given to the veteran if the spouse possesses the qualifications and business capacity necessary to discharge the duties of the position involved.

If a veteran applies for appointment for employment under this policy, the District shall, before employing anyone to fill the position, investigate the qualifications of the applicant. If the applicant possesses at least the minimum qualifications necessary to fill the position, the office, board, or person shall interview the applicant. However, nothing within this policy requires the school district to hire a veteran interviewed. At the conclusion of the hiring procedure and protocol, should a veteran and nonveteran be equally qualified for the position the veteran shall be granted veteran's preference and shall be offered employment in the position.

A veteran may be removed for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of the employee or appointee to a review pursuant to law.

Legal References: SDCL 13-10-12 Criminal Background Investigation;  
SDCL 3-3-1 Veterans Preferred in Public Employment;  
SDCL 3-3-4 Restrictions on Removal of Veteran from  
Employment- hearing and review – burden  
of proof;  
SDCL 3-3-6 Confidential and Policy-making Positions Exempt  
from chapter;  
SDCL 3-3-7 Unmarried Spouse of Deceased Veteran;  
SDCL 3-3-8 Spouse of Disabled Veteran.

Adopted: August 14, 2017

Revised: