

Dell Rapids School District #49-3

Policies and Regulations Code: G: Personnel



GBAA VETERAN'S PREFERENCE

If at the time a veteran submits an application for employment or employment promotion in the District the veteran possesses the qualifications and business capacity necessary to discharge the duties of the position involved, and is a citizen and resident of the state, the veteran shall receive preference for appointment, employment, and promotion. For the purposes of this policy, the term “veteran” means any person who

- (1) has served on continuous federalized active military duty for a period of at least ninety days for reasons other than training 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.

An applicant wishing to be given veteran's preference must submit written verification from the military that the applicant satisfies the definition of veteran as set forth above.

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 a preference over a nondisabled veteran.

The unmarried spouse of a veteran who died 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 is disabled due to a service connected cause and 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 district shall interview the applicant. 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.

All applicants for employment, including veterans, are subject to criminal background check requirements as set forth in state law.

LEGAL REFS:

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 3-3-7 (Unmarried spouse of deceased veteran-entitlement to preference under certain conditions)
SDCL 3-3-8 (Spouse of disabled veteran –entitlement to preference under certain conditions)
SDCL 13-10-12 (Criminal background investigation of prospective employees and student teachers)
SDCL 33A-2-1 (Veteran defined)

REVIEWED: 07/11/2016

ADOPTED: 08/08/2016