



Minot State University

Policy Manual

Section 3.0

Veterans' Preference

Source: NDUS 601.0, NDCC 37-19.1

1. Employment Requirements

North Dakota Century Code chapter 37-19.1 requires that qualifying veterans and spouses of qualifying veterans who are residents of North Dakota be granted preference in public employment. Effective August 1, 2015, the ND Veteran's Preference Law applies to all university system positions. Any recruitment postings or advertisements are subject to veteran's preference.

The veterans' preference law does not apply to positions being filled through an internal recruitment process or to an employee of a state agency or state institution who is applying for a different job within the same state agency or state institution or at another state agency or state institution.

Definition of a Veteran:

2. Veterans' Eligibility Requirements:

- a. Must be a North Dakota resident,
- b. Must have served in the active military forces during a period of war (as determined by veterans' affairs) OR received the armed forces expeditionary or other campaign service medal during an emergency condition, and
- c. Must have been discharged or released under other than dishonorable conditions.

3. Veterans' Spouse Eligibility

A spouse of a veteran is entitled to receive veterans' preference if the veteran is unable to exercise right to preference because the veteran is rated as 100% disabled by department of veterans' affairs due to a service-connected cause, and the veteran and the spouse are otherwise qualified. A spouse of a deceased veteran, to be eligible, must not have remarried and must be otherwise qualified. To receive the preference:

- a. The disabled veteran must otherwise meet the veterans' preference eligibility requirements listed above.

- b. The un-remarried spouse of a deceased veteran shall provide a copy of the marriage certificate, the DD-214, and the veteran's death certificate.
- c. The spouse of a disabled veteran shall provide a copy of the marriage certificate, the DD-214, and a letter less than one-year-old from the veterans' administration indicating the veteran's disability status.

4. Vacancy Announcements

Vacancy announcements for externally recruited positions must state "*North Dakota veterans claiming preference must submit all proof of eligibility by the closing date. Proof of eligibility includes a DD-214 and if claiming disabled status, a current letter of disability.*"

Vacancy announcements should also include the following information:

1. Position title; and full time, part time or temporary status
2. Beginning salary or range
3. Type of recruitment (external, internal)
4. Application closing date and/or date screening begins
5. Agency, location of work and whom to contact for more information, including the North Dakota relay number or a TTD number
6. Minimum qualifications and any additional preferred qualifications
7. Summary of work
8. Application procedures and requirements in terms of tests, job demonstrations, etc.,
9. A statement confirming nondiscriminatory intent, such as "Equal Opportunity Employer" or an affirmative action statement
10. A notification on whom to contact for accommodation or assistance in the application and interview process
11. A statement regarding confidential and open records for applications--as per chapter 44-04 of the North Dakota Century Code applications for public employment will be confidential unless deemed one of three finalists.

The delegated authority for review of applications, i.e. search chair and search committee members, will facilitate the competitive search process as described in a 1 - 11 above. Thereafter, the delegated authority must designate three or more of the qualified applicants as finalists. Applications of finalists are subject to open records requests.

5. Screening and Selection

To receive veterans' preference, an applicant must be a United States citizen, a North Dakota resident, and submit all of the following documentation with their application materials:

- a. An applicant claiming veterans' preference shall provide a copy of report of separation DD-214.

- b. An applicant claiming disabled veterans' preference shall provide a copy of report of separation DD-214 and a letter less than one-year-old from the veterans' administration indicating the veteran's disability status.
- c. An applicant claiming veterans' preference as an eligible spouse of a deceased veteran shall provide a copy of the marriage certificate, the veteran's report of separation DD-214, and the veteran's death certificate.
- d. An applicant claiming disabled veterans' preference as an eligible spouse of a disabled veteran shall provide a copy of the marriage certificate, the veteran's report of separation DD-214, and a letter less than one-year-old from the veterans' administration indicating the veteran's disability status."

6. Screening Criteria

Based on the information contained in the position description and the vacancy announcement, institutions shall develop, prior to reviewing applications, an applicant screening process which:

- a. Eliminates from consideration all applicants who do not meet the required minimum qualifications; those remaining are eligible candidates.
- b. Designates a prescribed number of eligible individuals to be considered from the top number of the group of eligible candidates.
- c. Assigns a ranking to eligible candidates by assigning numerical values to the various qualifications identified in the vacancy announcement, focusing upon those attributes above and beyond the minimum requirements;
- d. For veterans who meet the eligibility requirements, adds an additional 5 points for wartime veterans or 10 points for disabled wartime veterans. If using a scale other than a 100-point scale, adds 5% of the scale used for a veteran and 10% of the scale used for a disabled veteran to the examination grade of the applicant. The total is the veteran's screening score.
- e. Creates a list of eligible candidates that ranks individuals in order of total point values from highest to lowest.
- f. The employer may inquire further into the qualifications of the individuals on the list of eligible candidates by means including interviews, background checks, skills testing, and reference checking. A selection to fill the vacant position, if made, will be from the eligible candidates under consideration.

7. Notice Requirements:

All veterans, or qualified veteran's spouse ("applicants") who are not offered employment must be notified by certified mail, or through the online recruiting solution system, of the decision to not hire. The notification must include:

- a. the reasons for non-selection,
- b. inform the applicant of the right to an appeal hearing,

- c. inform the applicant of the requirement that the request for a hearing must be filed by certified mail within fifteen days after the notification,
- d. inform the applicant that a request for an appeal hearing must be made to the commissioner of veterans' affairs at the included commissioner's mailing address, and
- e. inform the applicant that if the applicant requests an appeal, the applicant must mail a copy of the request for an appeal hearing to the employer or employing agency.

Resources:

[North Dakota Century Code 37-19.1](#)

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