

Introduced by

Senators Luick, Lyson, Unruh

Representatives Maragos, Rohr, Wall

1 A BILL for an Act to amend and reenact section 37-19.1-02 of the North Dakota Century Code,  
2 relating to school district employment preferences for veterans.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 37-19.1-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **37-19.1-02. Public employment preference to veterans - Residency requirements.**

7 1. Veterans are entitled to preference, over all other applicants, in recruitment and  
8 selection processes by governmental agencies, provided that such veteran is a United  
9 States citizen at the time of application for employment. Veterans qualified for  
10 preference may not be disqualified from holding any position with an agency because  
11 of physical or mental disability, unless the disability renders them unable to properly  
12 perform the duties of the position applied for. To receive veterans' preference, an  
13 applicant must submit the following documentation:

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

1 report of separation DD-214, and a letter less than one year old from the  
2 veterans' administration indicating the veteran's disability status.

3 2. When a veteran applies for employment to a position that is not being filled through a  
4 competitive personnel system, the officer, board, or person whose duty it is to employ  
5 an individual to fill the available position shall investigate the qualifications of the  
6 veteran. If the veteran is found to possess the qualifications required for the position  
7 applied for, whether educational or by way of prior experience, and is physically and  
8 mentally able to perform the duties of the position applied for, the officer, board, or  
9 person shall employ the veteran. A disabled veteran is entitled to a preference superior  
10 to that given other veterans under this section, which preference must be accorded in  
11 the manner provided in this section. If the group of eligible individuals includes either  
12 veterans or disabled veterans, the employing authority of that particular agency or  
13 governmental agency shall make a selection for the available position as follows:

14 a. A disabled veteran is first entitled to the position and, in the absence of justifiable  
15 cause, documented in writing, for not making that selection, must be so  
16 employed. If the list includes two or more disabled veterans, then the employing  
17 authority shall fill the position from the group of eligible individuals to be  
18 considered. The employing authority may further inquire into the qualifications of  
19 each eligible individual from within that group through means including  
20 interviews, background checks, and skills testing. A disabled veteran from the  
21 group of eligible individuals is first entitled to the position and, in the absence of  
22 justifiable cause, documented in writing, for not making that selection, must be so  
23 employed.

24 b. If the group of eligible individuals does not include one or more disabled veterans  
25 and consists only of veterans, then the employing authority shall fill the position  
26 from the group of eligible individuals to be considered. The employing authority  
27 may further inquire into the qualifications of each eligible individual from within  
28 that group through means including interviews, background checks, and skills  
29 testing. A veteran from the group of eligible individuals is first entitled to the  
30 position and, in the absence of justifiable cause, documented in writing, for not  
31 making that selection, must be so employed.

1           c. If the group of eligible individuals includes nonveterans and veterans, but not  
2           disabled veterans, then the employing authority shall fill the position from the  
3           group of eligible individuals to be considered. The employing authority may  
4           further inquire into the qualifications of each eligible individual from within that  
5           group through means including interviews, background checks, and skills testing.  
6           A veteran from the group of eligible individuals is first entitled to the position and  
7           must be employed unless there is justifiable cause that is documented in writing  
8           for not employing that veteran.

9           3. When a veteran applies for employment to a position that is being filled through a  
10          competitive personnel system, the officer, board, or person whose duty it is to employ  
11          an individual to fill the available position shall investigate the qualifications of the  
12          veteran. If the veteran is found to possess the qualifications required for the position  
13          applied for, whether educational or by way of prior experience, and is physically and  
14          mentally able to perform the duties of the position applied for, the officer, board, or  
15          person shall employ the following:

16          a. No distinction or discrimination may be made in the administration of the  
17          competitive personnel system examination because the applicant may be a  
18          veteran.  
19          b. Upon receipt of proof required in subsection 1, on a one hundred point scale, the  
20          examiner shall add five points for a veteran and ten points for a disabled veteran  
21          to the examination grade of the applicant. The total is the veteran's examination  
22          score. If a scale other than a one hundred point scale is used, the examiner shall  
23          add five percent of the scale used for a veteran and ten percent of the scale used  
24          for a disabled veteran to the examination grade of the applicant. The total is the  
25          veteran's examination score.

26          c. The employing authority shall designate a prescribed number of eligible  
27          individuals to be considered from the top number of the group of eligible  
28          candidates in rank order, from highest to lowest, based on the applicant's final  
29          score.

30          d. The employing authority shall fill the position from the group of eligible individuals  
31          to be considered. The employing authority may further inquire into the

1 qualifications of each eligible individual from within that group through means  
2 including interviews, background checks, and skills testing.

3 4. a. This section does not apply when the position to be filled is that of a  
4 ~~superintendent of schools~~an administrator, teacher, administrative head of a  
5 department required by law, or the chief deputy or private secretary of an elected  
6 or appointed official; the chancellor and vice chancellors of the board of higher  
7 education; and presidents or executive deans, vice presidents, assistants to the  
8 president, provosts, instructors, and athletic team coaches of board institutions.  
9 Temporary committees and individual or group appointments made by the  
10 governor or legislative assembly are also excepted from the provisions of this  
11 section. If an exempt position is advertised, the advertisement must state that  
12 veterans' preference does not apply to the position being advertised.

13 b. For purposes of this subsection, "administrator" means an individual who holds  
14 an administrator's credential and who is employed by the board of a school  
15 district for the primary purpose of providing administrative services to the schools  
16 of the district. The term includes a school district superintendent, an assistant or  
17 associate school district superintendent, a school principal, an assistant or  
18 associate school principal, a special education director, a director of a multidistrict  
19 special education unit, a career and technical education director, and a director of  
20 an area career and technology center. The term may include an athletic or activity  
21 director who meets the requirements of this subdivision.

22 5. An employee of a state agency is not eligible for preference when applying for a  
23 different job within the same state agency or other state agencies. An employee of a  
24 political subdivision is not eligible for preference when applying for a different job  
25 within the same political subdivision.