

### 3.07 VETERANS' PREFERENCE

ORIGINATING DEPARTMENT:

Human Resources

ADOPTED:

January 1, 2005

#### **PURPOSE:**

Veterans' Preference in its present form comes from Sections 295.065 through 295.123 of the Florida Statutes, as amended. Veterans' Preference recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable competitive position for government employment, and acknowledges the larger obligation owed to disabled veterans.

#### **POLICY:**

By law, qualified veterans who are disabled or who served on active duty in the armed forces during certain specified time periods or in military campaigns are entitled to preference over other similarly qualified full-time applicants in employment, promotion, retention during reductions in workforce, and reinstatement.

Preference must be given to eligible veterans at each step of the selection process. Applicants must provide proof of eligibility.

Veterans' preference in perpetuity: A person eligible for veterans' preference in appointment does not forfeit employment preference eligibility once that veteran or eligible spouse of the veteran has been employed by a state agency or any political subdivision of this state. Effective July 1, 2007, Florida law restores veterans' preference in employment for all categories of protected individuals previously employed by a state agency or any political subdivision of this state. Veterans' Preference must be extended every time a person applies for a public sector job. There is no limit of the number of times Veterans' Preference can be used.

Eligible applicants can use Veterans' Preference as many times as they want when applying for initial hire positions. There is no expiration of Veterans' Preference, however, the veteran must have qualifying service (90) consecutive days while in the position they hold for internal promotions. If the position is advertised externally, all Veterans' Preference eligible internal applicants can claim preference, even if it is a promotional opportunity.

Some positions are exempt from Veterans' Preference, including officers elected by popular vote, persons employed on a temporary or contract basis (who are employed without benefits), attorneys, and positions requiring license as a physician.

Veterans' Preference does not require employment of a preferred applicant over a more qualified non-preferred applicant. However, the hiring manager must defend the decision to hire a non-preferred applicant over a preference-eligible applicant.

**PROCEDURE:**

While reviewing applications for qualifications, recruiters will review the application and required supporting documentation and award points, if applicable. Those awarded points will advance to the next step forwarding the application to the hiring manager.

NOTE: To be eligible, the veteran (or qualifying spouse) must meet one of the following conditions:

1. disabled veteran with an honorable discharge or a disabled veteran who is receiving disability compensation or disability retirement through the Department of Veterans Affairs or the Department of Defense
2. spouse of a totally disabled veteran or spouse of a veteran missing in action, captured by a hostile force or detained or interned in the line of duty
3. wartime veteran discharged under honorable conditions. Active duty for training may not be allowed for eligibility under this paragraph.
4. veteran in receipt of a Campaign or Expeditionary Medal and discharged under honorable conditions
5. mother, father, legal guardian, or un-remarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions
6. un-remarried widow or widower of a disabled veteran who died of a combat-related condition as verified by the DoD
7. veteran as defined in s. 1.01(14), Florida Statutes (requires discharge under honorable conditions). Active duty for training may not be allowed for eligibility under this paragraph.
8. current member of any reserve component of the United States Armed Forces or the Florida National Guard.

If, at any step in the process, a determination is made that the preference applicant is not qualified to advance, the hiring department will request a review by Human Resources.

**Preference in Employment:**

Human Resources will determine whether to use a numeric or non-numeric system in hiring for the open position.

- a. If a non-numeric system is used – Reviews resumes, develops a short list, and conducts interviews. Preference must first be given to the veteran when selecting the applicant who best fits the needs of the department.
- b. If a numeric system is used with 100 points possible – Adds points to the total score of a qualifying veteran or their spouse as follows:
  - Disabled veteran with an honorable discharge or spouse of a totally disabled veteran or veteran missing in action, captured or detained or interned in the line of duty (20 points)
  - wartime veteran, campaigned or medaled veteran, mother, father, legal guardian, or un-remarried widow or widower of a member of the U.S. Armed

Forces who died in the line of duty under combat-related conditions, or unremarried widow or widower of a disabled veteran who died of a service-connected disability (15 points)

- All others, including veteran as defined in s. 101(14), Florida Statutes (required discharge under honorable conditions) or current member of any reserve component of the U.S. Army or the Florida National Guard (10 points)

[NOTE: If the scoring system is not based on 100 points, then apply 20% for those classifications qualifying for 20 points, 15% for those classifications qualifying for 15 points and 10% for those classifications qualifying for ten points.]

- c. Thoroughly document all decisions, including the details on how preference was given and the decision to hire a non-preferred applicant over a preference-eligible applicant.

**Preference for Promotion: Reinstatement of reemployment; promotion preference.** (Except for positions that are exempt)

- a. When an employee of the County has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the County shall reemploy or reinstate such person to the same position that he or she held prior to such service in the armed forces, or to an equivalent position, provided such person returns to the position within 1 year of his or her date of separation or, in cases of extended active duty, within 1 year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. When an examination for promotion is utilized, such person shall be awarded preference points, as provided in s. 295.08 of the Florida Statutes, and shall be promoted ahead of all those who appear in an equal or lesser position on the promotional register, provided he or she first successfully passes the examination for the promotional position.
- b. The provisions of paragraph (a) shall also apply to a person who was a veteran when employed by the County and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge.
- c. The provisions of paragraphs (a) and (b) shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

**Retention:**

In all covered positions where layoffs are necessitated, special consideration shall be given first to those employees who meet the eligibility criteria for veterans' preference as indicated above. The point's system procedure outlined in the "Preference in Employment (b)" shall apply when completing the Retention Matrix and determining the order for layoff.

All decisions shall be thoroughly documented to include the detail of how preference was given.

**Complaint Process:**

An individual applicant must file a complaint to Human Resources within twenty-one (21) calendar days from the date after receiving notice of the hiring decision.

**DEFINITIONS:**

Armed Forces Expeditionary or Campaign Medal recipient – A veteran who has received the Global War on Terrorism Expeditionary Medal (the Global War on Terrorism Service Medal does not apply).

Disabled veteran – A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the Department of Veterans Administration.

Spouse of disabled veteran – The spouse of a veteran who cannot qualify for employment because of a total and permanent service-connected disability; or the spouse of a veteran missing in action, captured, or forcibly detained by a foreign power.

Veteran of any war – A veteran of any war who has served on active duty for one day or more during a wartime period excluding active duty for training. Specifically, World War II (December 7, 1941, to December 31, 1946), Korean Conflict (June 27, 1950, to January 31, 1955), Vietnam Era (February 28, 1961, to May 7, 1975), and Persian Gulf (August 2, 1990, to January 2, 1992), Operation Enduring Freedom (October 7, 2001 – TBD), Operation Iraqi Freedom (March 19, 2003, to August 31, 2010), Operation New Dawn (September 1, 2010, to TBD).

Widowed spouse –The un-remarried widow or widower of a veteran who died of a service-connected disability.

SCHEDULED REVIEW DATE:

Annually

AMENDED:

January 7, 2011; May 14, 2012, August 15, 2014,  
January 14, 2022