



VETERANS' PREFERENCE INFORMATION

Chapter 295, Florida Statutes, sets forth certain requirements for public employers to accord preferences, in appointment, retention, and promotion, to certain veterans and spouses of veterans who are Florida residents. The relevant portions of the law apply to “the state and its political subdivision”. Public utilities, state universities, school districts, and special taxing districts are subject to the requirements of Chapter 295.

CATEGORIES OF PROTECTED INDIVIDUALS

Section 295.07, Florida Statutes, extends Veterans' Preference to:

- A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense (DoD).
- 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.
- 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, and who was discharged under honorable conditions from the Armed Forces of the United States of America. A veteran who served honorably but who has not met the criteria for the award of a campaign or expeditionary medal for service in Operation Enduring Freedom or Operation Iraqi Freedom, qualifies for preference in appointment, effective July 1, 2007. The service dates are defined as follows:
 - ❖ Operation Enduring Freedom – October 7, 2001, to date to be determined.
 - ❖ Operation Iraqi Freedom – March 19, 2003, to date to be determined.
- The unmarried widow or widower of a veteran who died of a service-connected disability.
- Any Armed Forces Expeditionary Medal, as well as the Global War on Terrorism Expeditionary Medal, are qualifying for Veterans' Preference.

EMPLOYMENT PREFERENCE

- An eligible veteran is entitled to preference at each stage of the hiring process; however, the preference is not absolute.
- Preference must be given to protected individuals provided such persons possess the minimum qualifications necessary to the discharge of the duties involved. The rule defines “minimum qualifications” to mean a “specification” of the kinds of experience, training, education and/or licensure or certification that provides “appropriate job-related evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved.”

OTHER PROVISIONS REGARDING PREFERENCE

- **Veterans' Preference in perpetuity:** A person eligible for Veterans' Preference in appointment (defined by s. 295.07, FS) 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.
- **Preference in layoffs:** Where a layoff is necessitated in a covered position, similar preferences must be given to the covered employee in the retention process.
- **Preference in reinstatement or reemployment:** When an employee in a covered position leaves employment for the purpose of serving in the armed forces, he or she is entitled to reinstatement or reemployment upon release or discharge from active military service.
- **Promotion preference:** Promotion preference applies only to a veteran's first promotion after reinstatement or reemployment, without exception.

VETERANS' PREFERENCE DOCUMENTATION

Applicants who are claiming Veterans' Preference are required to submit the Veterans' Preference Claim Form including supporting documentation at the time of application.

- I. All vacancy postings are eligible for Veterans' Preference.
 - A. Veterans' Preferences does not guarantee you the position. The Veterans' Preference provides that you will be included in all phases of the selection process for the position for which you are applying.
- II. To be granted Veterans' Preference, the applicant must:
 - A. Complete the Veterans' Preference Claim Form
 - B. Provide a copy of his/her DD Form 214
 - C. Provide proof of Florida residency
 - D. Other documentation as listed below
- III. Documentation required to prove Veterans' Preference Eligibility:
 - A. Veterans, disabled veterans, and spouses of disabled veterans must furnish a copy of the DD Form 214, military discharge papers, or equivalent certification from the Department of Veterans' Affairs (DVA), listing status, dates of service, characterization of discharge, and campaign and expeditionary medals awarded.
 - B. Disabled veterans must provide documentation from the DVA certifying the veteran has a compensable service-connected disability.
 - C. Spouses of disabled veterans must provide:
 1. Certification from either the DVA or the DoD that the veteran is totally and permanently disabled for employment purposes due to a service-connected disability
 2. Evidence of marriage to the veteran

D. Spouses of those on active duty must provide:

1. Documentation from either the DVA or the DoD that the active duty member is missing in action, captured, or forcibly detained
2. Evidence of marriage to the veteran

E. Unremarried widow or widower of a deceased veteran must provide:

1. Documentation from either the DVA or DoD of the service-connected death of the veteran
2. Evidence of marriage
3. A statement that they have not remarried

IV. Documentation required to prove Florida residency (to be provided at the time of application with the Veterans' Preference Form):

- A. Copy of valid Florida driver's license
- B. Copy of Florida voter's registration card
- C. Copy of mortgage/lease agreement reflecting a Florida address

NON-COMPLIANCE

If an applicant claiming Veterans' Preference for a vacant position is not selected, he/she may file a complaint with the:

Florida Department of Veterans' Affairs (FDVA)
11351 Ulmerton Road, Suite 311-K
Largo, FL 33778-1630

A complaint must be filed within twenty-one (21) days of the applicant receiving notice of the hiring decision made by the employing agency or within three (3) months of the date the application is filed with the employer if no notice is given. The enforcement mechanism established by the regulations provide for an initial investigation by the FDVA, followed by an evidentiary proceeding before the Public Employees Relations Commission if the matter cannot be earlier resolved.