

## **Veterans Preference**

I. GENERAL 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 subdivisions”. Public utilities, state universities, school districts and special taxing districts are subject to the requirements of Chapter 295

### **II. CATEGORIES OF PROTECTED INDIVIDUALS**

Section 295.07, Florida Statutes, extends veterans’ preference to:

- A veteran with a serviceconnected 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
- The spouse of a veteran who cannot qualify for employment because of a total and permanent serviceconnected 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.
- The unremarried widow or widower of a veteran who died of a serviceconnected disability.
- Receipt of any Armed Forces Expeditionary Medal is qualifying for veterans' preference.

### **III. REQUIRED NOTICE BY EMPLOYERS**

Public employers must give notice in all announcements and advertisements of vacancies, that preference in appointment will be given to eligible veterans and spouses, and application forms must inquire whether the applicant is claiming veterans’ preference, and whether the applicant has claimed such a preference. The regulations provide that an applicant claiming preference is responsible for providing required documentation at the time of making application, but also state that the covered employer must inform applicants of the requirements for documentation.

### **IV. PREFERENCE REQUIRED AT EACH STEP**

An eligible veteran is entitled to preference at each stage of the hiring process; however, the preference is not absolute.

## **V. EMPLOYMENT PREFERENCE WHEN A NUMERICALLY BASED SELECTION PROCESS IS USED**

Employment preferences, where numerically based examinations are used as a device for selections, consists of adding ten points to the score of the first category of applicants (disabled veterans and spouses of disabled or missing veterans) and five points to the score of other preferenceeligible applicants.

The rules provide that where the requisite points (ten points to individuals in the first category, and five points to other applicants) have been adjusted to test scores, the names of all the preferenceeligible applicants shall be placed on a register or employment list, beginning with those disabled veterans with disability ratings of 30 percent or more, and followed by all other preferenceeligible applicants in the order of their augmented ratings.

The regulations state that “appointments to positions will be made from the appropriate register or employment list in the rank order of their augmented ratings.”

## **VI. PREFERENCE WHEN A NUMERICALLY BASED SELECTION PROCESS IS NOT USED**

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 jobrelated evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved.”

## **VII. OTHER PROVISIONS REGARDING PREFERENCE**

Single claim to preference- The rules incorporate the concept that an eligible veteran or spouse has a single claim to preference, exercisable only once. A veteran’s employment preference expires once the veteran has applied and been employed by the agency or any political subdivision of the 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.

## **VIII. EXEMPT POSITIONS**

Chapter 295, Florida Statutes, provides for a preference in employment for certain classes of covered positions. However, section ch. 9833, s. 2, Laws of Fla., exempts from the law positions that are exempt from the state career service system under Section 110.205 (2), Florida Statutes. The 2001 session of the Florida Legislature enacted a significant change to the law concerning exempt positions for veteran's preference at the political subdivision level. Governor Bush signed the bill and the change became effective July 1, 2001. Senate Bill 1344 eliminates the exemption for some of the previously exempted positions. As of the effective date of the law, city managers, county managers, and management and policymaking positions of political subdivisions of the state are now eligible for preference in appointment and retention as provided in s. 295.07(1).

## **IIX. ENFORCEMENT**

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)  
Mary Grizzle Building, Suite 311K  
11351 Ulmerton Road  
Largo, Fl 337781630.

A complaint must be filed within twentyone days of the applicant receiving notice of the hiring decision made by the employing agency or within three 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 Florida Department of Veterans' Affairs, followed by an evidentiary proceeding before the Public Employees Relations Commission if the matter cannot be earlier resolved.