Effective July 1, 2014

FAQS

Veterans' Preference

Q: Who now qualifies for Veterans' Preference?

Effective July 1, 2014, several new groups of individuals are eligible for Veterans' Preference. The groups now eligible for Veterans' Preference (VP) are as follows:

1. Disabled Veterans who have served on active duty in any branch of the Armed Forces and who presently have an existing service-connected disability which is compensable under public laws administered by the DVA or are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the DVA and the Department of Defense.
2. The spouse of a Veteran:

a) who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment; or

b) Who is missing in action, captured in line of duty by a hostile force, or detained or interned in line of duty by a foreign government or power.

3. A Veteran of any war, who has served at least one day during that war time period as defined in subsection

   1.01 (14) or who has been awarded a campaign or expeditionary medal. Active duty for training shall not be allowed for eligibility under this paragraph.
4. The unremarried widow or widower of a Veteran who died of a service-connected disability.
5. The mother, father, legal guardian, or unremarried widow or widower of a service member who died as a result of military service under combat-related conditions as verified by the U.S. Department of Defense.
6. A Veteran as defined in section 1.01m (14) Florida Statutes. "Active Duty for Training" may not be allowed under this paragraph. The term "veteran" is defined as a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions
7. A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Q: What are the Wartime periods?

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
Persian Gulf War: August 2, 1990 to January 2, 1992
Operation Enduring Freedom: October 7, 2001 to TBD
Operation Iraqi Freedom: March 19, 2003 to TBD
Operation New Dawn: September 1, 2010 to TBD

Q: What Character of Discharge must be on the DD214 in order to get Veterans' Preference?

That did not change. To qualify for Veterans' Preference, the Veteran MUST be "HONORABLY" discharged from the military. A General discharge will not qualify someone for Veterans' Preference. The Veteran still must have been discharged with nothing less than an "Honorable" discharge.

Q: Do you have to be a Florida resident to qualify for Veterans' Preference?

Effective July 1, 2014, you no longer need to be a Florida resident to qualify for Veterans' Preference. U.S. citizens and lawfully authorized alien workers in the United States can now apply for a position with a political entity in the state of Florida and request that they be given Veterans' Preference on their job application if they meet the other eligibility requirements.

Q: Are points/percentages still given for Preference?

Yes, you still get points if the employer uses a numeric system, but because of all the new categories the point values have changed. We now have 5, 10 and 15 points/percentages. They are dispersed as follows:

Disabled Veterans: **15 points/percent**

The spouse of a Veteran with a total and permanent service-connected disability, Missing in action, Captured in line of duty by a hostile force, or Detained or Interned in line of duty by a foreign government or power: **10 points/percent**

A Veteran of any war who has served at least one day during that wartime period or who has been awarded a campaign or expeditionary medal: **10 points/percent**

The unremarried widow or widower of a Veteran who died of a service-connected disability: **10 points/percent**

The mother, father, legal guardian, or unremarried widow or widower of a service member who died as a result of military service under combat-related conditions: **10 points/percent**

A Veteran as defined in Section 1.01 (14), Florida Statutes: The term 'Veteran' means a person who served in the active military, naval, or air service and who was discharged under honorable conditions: **5 points/percent**

A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard: **5 points/percent**

Q: When do you apply the points/percent?

The eligible applicant must first reach a passing score before Veterans' Preference points can be added. Therefore, if it has been determined that a passing score is 80, the applicant MUST first achieve an 80 on the exam before the Preference points can be added to the overall score.

Q: How to determine whether to augment by points or by points determined from percentages?

If your total score is 100 you will always augment with 5, 10 or 15 points, but if your exam has total points less than or more than 100 points you will need to use 5%, 10% or 15% percent. Therefore, if your test is a 50-point test and your applicant is a category #3 recipient, then the test score will be augmented by 10% and the applicant will receive 55 points.

Q: In a numeric system when you have multiple tests, when are points applied?

There are essentially two ways of augmenting scores when you have multiple tests. It just depends upon how the tests are scored and there are two ways.
The first is the test that you take and depending upon whether you pass it determines if you proceed forward to the next test or next phase. In that situation, you will need to augment each test before you proceed to the next test. The VP applicant will need to meet your passing score at each stage before the score can be augmented. Otherwise, the applicant is unable to progress.
The second kind of test requires you to add up all the scores from the battery of tests that were given. You will then have a cumulative score. You may or may not have a passing score. In either case, you will then simply augment at that final stage. The point or percentage of points to be added on will be based upon their eligibility category.

Q: What happens if during the selection process the decision maker has a VP eligible applicant amongst a group of 3 or 5 and they are considered equal? Previously they had been ranked and a Roster stills exists which continues to fill this group when someone is selected.

In this scenario we frequently hear it referred to as the "Rule of 5" or whatever number the group is formed into. If the decision maker has the freedom to select any one of the five and all five are considered equal, if there is a Veterans' Preference eligible applicant among the group that applicant MUST be selected. If there are two Veterans' Preference eligible applicants and one is a disabled vet and the other is a Wartime-era Veteran (Gulf War for example) the Disabled Vet will be selected.

Q: What about if a numeric system is not used?

In all covered positions when an examination is not used, Preference MUST first be given to the disabled Veteran. Then the other categories will come second. This is of course provided that the individuals meet the minimum requirements.

Q: What documents *<u>must</u> be shown in order to claim Preference:

(a) Veterans, disabled Veterans, spouses of disabled Veterans and family members shall furnish a Department of Defense document, commonly known as form DD-214

or military discharge papers, or equivalent certification from the DVA, listing military status, dates of service and Character of Discharge.
(b) Disabled Veterans shall also furnish a document from the Department of Defense, the DVA, or the Department certifying that the Veteran has a service-connected disability.
(c) Spouses of disabled Veterans shall also furnish either a certification from the Department of Defense or the DVA that the Veteran is totally and permanently disabled or an identification card issued by the Department; spouses shall also furnish evidence of marriage to the Veteran and a statement that the spouse is still married to the Veteran at the time of the application for employment; the spouse shall also submit proof that the disabled Veteran cannot qualify for employment because of the service-connected disability.
(d) Spouses of persons on active duty shall furnish a document from the Department of Defense or the DVA certifying that the person on active duty is listed as missing in action, captured in line of duty, or forcibly detained or interned in line of duty by a foreign government or power; such spouses shall also furnish evidence of marriage and a statement that the spouse is married to the person on active duty at the time of that application for employment.
(e) The mother, father, legal guardian, or unremarried widow or widower of a deceased Veteran shall furnish a document from the Department of Defense showing the death of service member while on duty status under combat-related conditions or the DVA certifying the service-connected death of the Veteran, and shall further furnish evidence of marriage. The legal guardian shall show the proper court documents establishing the legal authority for the Guardian.
(f) DMS is requiring that current reserve members and National Guard members provide a letter from their Commanding Officer stating the dates of their military service to establish that they are currently active.
* Documentation must be provided in order to establish eligibility for Veterans' Preference. If using *People First* or otherwise stated in a Posting, documentation must be received no later than 11:59 p.m. on the closing date of the posting.

Q: How many days does an individual have to file a complaint?

An individual must file a complaint within 21 calendar days from the date after receiving notice of the hiring decision made by the hiring agency. If no notice is given then the individual must file a complaint within three months of the date the application is filed with the employer.

Q: Who is eligible for Preference in promotion?

In order to qualify for Veterans' Preference for promotion, a VP-eligible applicant must have had a break in employment and been deployed, come back to the public entity that they were previously employed by and be reinstated or reemployed. They must return with a DD214 or comparable documents showing that they were ordered and discharged under Title 10.

Q: What about Character of Discharge for Promotion?

When an applicant returns after deployment, if they have a DD214 there should be no problem determining Character of Discharge. The DD214 will have a Member 4 containing that information. Just like at the time of employment, the Character of Discharge can't be anything less than "Honorable." If, however, they have been deployed less than six months there is a good chance they will not have a DD214 and will have simply been issued orders to activate and return under Title 10. In these cases it will be necessary for the applicant to acquire a letter from his/her command. This letter should state that the applicant continues to serve honorably or they had served honorably during that period of deployment.

Q: When must that promotional opportunity be used and can it be used multiple times?

The VP eligible applicant must use that promotional opportunity the first time it becomes available, and it is only good for that first promotion. It cannot be used multiple times.

Q: If a VP-eligible applicant has multiple deployments will they be entitled to multiple promotions?

Yes, a VP-eligible applicant will be entitled to multiple promotions if they have had multiple deployments under Title 10 and returned "Honorably." In these situations each deployment warrants a promotional opportunity.

Q: If a VP-eligible applicant forgets to use his Preference, may he/she reinstate it for another use?

No, if a VP-eligible applicant fails to use Veterans' Preference for the initial hiring they may not use it later for promotion. You may not justify that failure to use it previously is a reason to use it later.

Q: Are there still positions that are exempt from Veterans' Preference?

Yes, there are certain positions that are exempt from Veterans' Preference. Positions that automatically are entitled to VP include the following:

(1) Positions of employment offered by the State as designated in Rule 55A-7.004, F.A.C., and listed below are covered by the provisions of this Chapter.

(a) All positions under the state Career Service System.

(b) All positions under the State University System's University Support Personnel System.

(c) All Career Service System positions under the State Community College System.

(d) All Career Service System positions under the Florida School for the Deaf and Blind.

(2) Positions of employment offered by a political subdivision of the state are covered by the provisions of this Chapter except those that are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each such officer, members of boards and commissions, persons employed on a temporary basis without benefits, heads of departments, positions which require licensure as a physician, licensure as an osteopathic physician, licensure as a chiropractic physician, and positions which require that the employee be a member of The Florida Bar. Part time positions do not get Veterans' Preference. City managers, County managers and mangement and policymaking positions of political subdivisions of the state are now eligible for preference in appointment and retention.

Q: Which employers does this Statute apply to? Is it only for Public employers?

The Statute is only for employment with Public entities such as the State and all of their Agencies, including the State University System, State Community College System, the Florida School for the Deaf and Blind, and the state's political subdivisions including counties, cities, towns, villages, special school districts, special road and bridge districts, bridge districts, and all other districts in the state.

Q: How does Veterans' Preference apply to teachers?

Teachers are entitled to Veterans' Preference. Teachers typically work on a year-to-year contract with no guarantees for renewal; therefore, when an eligible applicant is informed that they are not being renewed for the following year, the applicant lacks the ability to file a VP complaint. The only recourse is to begin filing applications for other teaching positions. If they suspect that they are not being selected because of the non-renewal, then that is reason to look into whether there is a violation of Veterans' Preference.

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