



FLORIDA DEPARTMENT OF VETERANS' AFFAIRS

Honoring those who served U.S.

Veterans' Preference

Veterans' Preference Coordinator

Victoria Jarrett

VeteransPreference@FDVA.state.fl.us

JarrettV@FDVA.state.fl.us

727-518-3202 EXT 5511



What is Veterans' Preference?

Veterans' Preference gives eligible veterans preference in appointment over other applicants. Veterans' Preference does not guarantee veterans a position and it does not always apply to internal agency actions; such as, promotions, transfers, reassignments and reinstatements.

Must have **HONORABLE** discharge



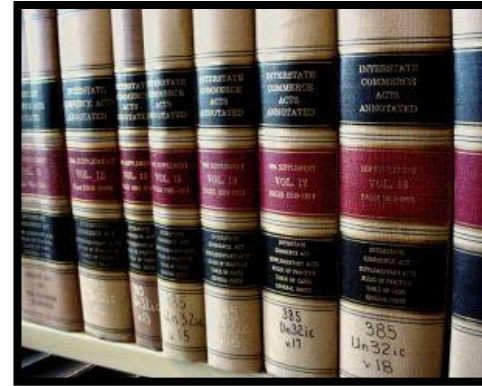
MILITARY → CIVILIAN
Connecting Veterans and Their Families with Civilian
Career Opportunities, Both Stateside and Overseas



Veterans' Preference Legislative Guidance

Statutes
Regulations
Rules

- 2018 – Florida Statute Chapter 295.07
- 2018 – Florida Statute Chapter 110.205
- 2018 – Florida Administrative Code and Register Chapter 55A-7
- Department of Management Services,
Division of Human Resources Policy Guideline 201.7-004

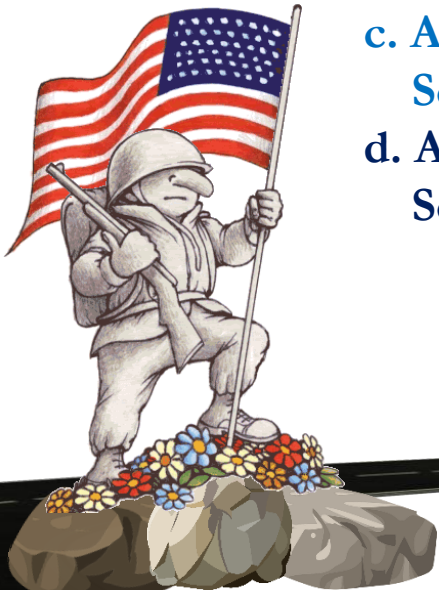


Veterans' Preference Qualified Positions

Qualified

These positions of employment offered by the State or its Political Subdivision:

- a. All positions under the state Career Service System.
- b. All positions under the University Support Personnel System of the State University System.
- c. All Career Service System positions under the Florida College System and the School for the Deaf and Blind.
- d. All equivalent positions at State University, Florida College System and the School for the Deaf and Blind.



EQUALITY →

OPPORTUNITY →

FUTURE →

ROAD TO SUCCESS



Veterans' Preference Exempt Positions

Veterans' Preference does not apply to certain exempt positions.

These exemptions are fully described in 2018 Florida Statutes 110.205.

Examples:

- Members, Officers and Employees of the Executive, Legislative and Judicial Branch.
- Members of Boards and Commissions.
- Positions that require licensure such as physicians and attorneys.
- The majority of Executive and Director Positions
- Persons employed on a temporary basis without benefits.
- Some managerial positions

Veterans' Preference Eligibility

Eligibility

Who is eligible?

1. A disabled veteran who has served on Active Duty in any Branch of the United States Armed Forces who has a service-connected disability
2. The spouse of a disabled 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 in line of duty by a hostile force, or detained or interned in line of duty by a foreign government or power.
3. A wartime veteran who has served on Active Duty during a specified wartime period
4. The mother, father and legal guardian of a service member who died as a result of military service under combat-related conditions.
5. The un-remarried widow or widower of a Veteran who died of a service-connected disability.
6. A Veteran who has served on Active Duty in any branch of the United States Armed Forces with an Honorable Discharge.
7. Current members of any reserve component of the United States Armed Forces or the Florida National Guard.



Veterans' Preference Points Applicability



Veterans' Preference Point System

- 5 Points:
 - Any Veteran who has served on Active Duty in any branch of the United States Armed Forces with an Honorable Discharge.
 - Current members of any reserve component of the United States Armed Forces or the Florida National Guard.

***** Veterans' Preference points should be applied at every stage of the hiring process.**

Veterans' Preference Points Applicability



Veterans' Preference Point System

- 10 Points:

- **Wartime Veteran who has served in a qualifying Campaign or Expedition or during one of the wartime periods below:**
 - **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**



***** Veterans' Preference points should be applied at every stage of the hiring process.**

Veterans' Preference Points Applicability



Veterans' Preference Point System

- 10 Points:
 - Un-remarried Widow or Widower of Veteran who died in a service-connected disability.
 - Mother, Father, Legal Guardian or Un-remarried Widow or Widower of Veteran who died in line of duty.

***** Veterans' Preference points should be applied at every stage of the hiring process.**

Veterans' Preference Points Applicability



Veterans' Preference Point System

- 15 Points:
 - Veteran with a service-connected disability.
 - Spouse of a Veteran who cannot qualify for employment due to Permanent and Total Disability.
 - Spouse of a Veteran MIA, captured or detained in line of duty.

***** Veterans' Preference points should be applied at every stage of the hiring process.**

How Veterans' Preference is Applied



Veterans' Preference is applied at **EVERY** stage of the hiring process.

There are different guidelines for interviews based on the selection process used.

Numeric Based Selection Process

55A-7.010(2)(c)- All persons eligible for a 15-point preference whose service-connected disabilities have been rated at 30% or more shall be placed at the top of the appropriate register or employment list in accordance with his or her respective augmentation points.

What does this mean??

All 30% or more disabled veterans go to the top of the interview list, they shall be interviewed before any other applicants, and if you interview a candidate that is **NOT** 30% or more disabled, you must interview all 30% or more disabled veterans. *Not applicable to veteran only positions

How Veterans' Preference is Applied



Veterans' Preference is applied at **EVERY** stage of the hiring process.

There are different guidelines for interviews based on the selection process used.

Non-Numeric Based Selection Process

A: **ALL** Veterans' Preference eligible applicants are **guaranteed** an interview when they first meet minimum qualifications.

Documentation to determine Veterans' Preference

HR Responsibilities:

Rule 55A-7.013(7)(g) “The employer has an affirmative duty to notify the applicant if a timely submitted Veterans' Preference claim is later found to be missing information; the employer shall advise the applicant of what is missing and provide a reasonable amount of time for the applicant to cure the deficiency.”

Veterans' Preference Promotions Applicability



Veterans' Preference during the Promotional Process

Does Veterans' Preference apply during the Promotional Process?

DEPENDS!!!



Q: Was the Veteran deployed/activated while in their current position?

A: Yes, Veterans' Preference would APPLY.



A: No, Veterans' Preference would not APPLY.



Q: Can multiple deployments be used for multiple promotions?

A: Generally NO. The Veteran must have been deployed while in their current position. A Veteran cannot use multiple deployments in their current position to advance beyond the first available promotion.

Veterans' Preference Promotions Internal vs. External



Veterans' Preference for internal promotions

Q: Was the Veteran deployed/activated while in their current position?

A: Yes, Veterans' Preference would APPLY.

A: No, Veterans' Preference would not APPLY.

Veterans' Preference for promotion open to the public

Q: If a position is open to the public and a promotion for a Veteran, can they get preference without being deployed/activated?

A: Yes, if the position is open to the public, the Veteran would get Veterans' Preference

Veterans' Preference for Retention

- Guidelines for Retention Veterans' Preference:
 - Employer shall provide **no less than 60 days** notice to affected employees prior to implementation of a reduction/layoff plan
 - This notice shall describe the different categories of Veterans' Preference and give employees a **minimum of 30 days** to provide documentation of eligibility
 - Employers shall credit the amount of time the preference-eligible employee served on active duty in the U.S. Armed Forces as years of service with the employer for the purposes of determining seniority on a year-for-year and month-for-month basis
 - If **numeric process** is used, Veteran receives points IAW FS 295.08
 - If **non-numeric process** is used, employees who are not eligible for preference shall be considered first for layoff
 - Preference-eligible employees who have previously provided proof of eligibility to the employer, and have this documentation as part of their personnel file, are **not required** to resubmit proof of eligibility for retention

Role of FDVA's Veterans' Preference Coordinator

- The Veterans' Preference Coordinators functions include:
 - Receiving Veterans' Complaints regarding the application of Veterans' Preference.
 - Liaison between the Veteran and Human Resources (HR) personnel and managers when a complaint is filed.
 - Investigates the application of Veterans' Preference, when a Veteran believes they were not afforded their due preference.
 - Provide an opinion as to whether or not Veterans' Preference was properly applied during the hiring process.
 - Provide requested training to HR staff members regarding the application of Veterans' Preference during the hiring process.
- The Veterans' Preference Coordinators functions **do not** include:
 - Providing legal opinions, services or representation.
 - Deciding which candidate should have been selected.
 - Liaison between the Veteran and the Public Employee Relations Commission (PERC), or represent a Veteran at a PERC hearing.

Veterans' Preference Complaint Timeline

What is the process if a Veteran decides to file a complaint regarding Veterans' Preference:

- The Veteran must file within **60** days of the date they received notification of not being selected.
- Within **10** days of receiving the complaint, FDVA provides a written acknowledgment to both the Veteran and employer.
- Within **20** days of receiving the complaint, FDVA designates an individual to conduct an investigation.
- Within **10** days of being assigned to conduct an investigation, the designated individual requests information from the employer.
- Within **30** days of the FDVA request for documentation, the employer shall furnish the following:
 - any and all materials concerning the hiring process and decision,
 - plain statement justifying the hiring decision,
 - if applicable a statement as to whether the job functions can or cannot be performed by the preference-eligible applicant.
- At the conclusion of the investigation, FDVA will issue an opinion letter to both the Veteran and the employer. The opinion letter always includes that regardless of the FDVA opinion the Veteran has the right to request a PERC hearing.

Common Veteran Preference Complaints

Examples of some of the more common Veteran Preference complaints:

- The belief that Veterans Preference means the Veteran must be selected for the position.
- The belief that all positions are eligible for Veterans Preference.
- The belief that multiple deployments can be “banked” for future use.
- That FDVA has the authority to decide the most qualified candidate when a complaint is received.
- That FDVA provides representation to a Veteran who decides to pursue a complaint with PERC.



Complaints



Validity



Remedy



Hearing



Resolution



Main points to remember for CVSOs

- Veteran must have an HONORABLE discharge
- Veteran must file complaint with FDVA within 60 days of non-selection
- Veteran must submit required documentation to get preference (DD-214, VA Letter, etc)
- Call if you have questions

FDVA 

FLORIDA DEPARTMENT OF VETERANS' AFFAIRS

Honoring those who served U.S.

Veterans' Preference