

# **Veterans' Preference** **A Hiring Authority's Guide**

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Florida public employers must give preferences, in appointment, retention, and promotion, to eligible veterans and spouses of veterans who are Florida residents. Eligible Veterans include:

1. A veteran with a service-connected disability, eligible for or receiving compensation, disability retirement, or pension under the U.S. Department of Veterans Affairs and the Department of Defense.
2. 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.
3. 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 “wartime veteran” is defined by Florida Statutes as a veteran who served at least one day during a war time period. War time periods are:**

- World War II : December 7, 1941 – December 31, 1946
- Korean Conflict: June 27, 1950 – January 31, 1955
- Vietnam Era: February 28, 1961 – May 7, 1975
- Persian Gulf War: August 2, 1990 – January 2, 1992
- Operation Enduring Freedom: October 7, 2001 –
- Operation Iraqi Freedom: March 19, 2003 –

4. The unmarried widow or widower of a veteran who died of a service-connected disability.
5. The Armed Forces Expeditionary Medal and the Global War on Terrorism Expeditionary Medal qualify for Veterans' Preference, provided the individual is otherwise eligible.

What does preference mean? This is easy to define when a numerical system is used to rate candidates: Points are added (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 preference-eligible applicants and a register is created with the appropriate ranking of all candidates. But, when no points are used, the law simply states that preference must be given at each stage of the hiring process; however, the preference is not absolute. In other words, the County is allowed to hire the best qualified candidate and consider recent/remote experience and how relevant the experience is to the position. The interview will be considered critical to determining how germane the experience is of the veteran versus the candidate selected, and if a non-veteran is hired over a preferred veteran, the hiring authority should document and justify the decision, in case the decision is challenged. As long as the employer provides a fair opportunity to veterans for consideration, then the employer may hire the most qualified person.

How long do eligible veterans enjoy receiving preference over other candidates? Governor Crist approved House Bill 699 effective July 1, 2007, requiring government employers to grant the veterans' employment preference to eligible individuals each time an employment application is submitted for a non-exempt government position, even if the eligible person was previously employed by a government entity in Florida. In other words, if a person claims a veterans'

preference under s. 295.07, F.S., and is employed by a government employer, that person may claim the preference each time he or she applies for a non-exempt government position in the future. The bill does not affect the veterans' preferences for promotions or reinstatements. In other words, a person currently employed by Sarasota County Government is not entitled to veterans' preference if they apply for a higher-level county position. Veterans are only entitled to veterans' preference in reinstatement if they have been serving in the Armed Forces of the U.S. and they separated with an honorable discharge within 1 year of their date of separation from their county job or within 1 year of the date of discharge subsequent to extensions. Such persons would also be awarded preference in promotion and should be promoted ahead of all others who are as qualified or less qualified for the position.

Summary:

While we want to help our Veterans find positions after serving our Country, it is also the law. Human Resources procedures (section 13.06) states "Preference in appointment to covered positions shall be extended to eligible veterans and spouses of veterans in accordance with Chapter 295, Florida Statutes, as implemented by 55-A7, Florida Administrative Code". If a veteran has been referred (identified by a star in PATS) and meets the above qualifications (either 1, 2, 3, 4 or 5 and has a residence in Florida) then the veteran should be interviewed. Human Resources feels that veterans should be hired for most entry-level positions unless the hiring process and/or background check revealed that the candidate does not possess necessary skills/core values needed in the position such as customer service. Please call Human Resources if you have questions.