



Board of County Commissioners
Department of Human Resources

LEE COUNTY BOCC VETERAN'S PREFERENCE

Veterans' Preference for eligibility in employment will be extended to certain Veterans and spouses of Veterans who are Florida residents according to Florida State Statute 295.07.

1. 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.
- 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.

Wartime periods are defined as follows:

- a) World War II: December 7, 1941 to December 31, 1946.
 - b) Korean Conflict: June 27, 1950 to January 31, 1955.
 - c) Vietnam Era: February 28, 1961 to May 7, 1975.
 - d) Persian Gulf War: August 2, 1990 to January 2, 1992.
- 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 un-remarried widow or widower of a veteran who died of a service-connected disability.

- A veteran that has received any Armed Forces Expeditionary Medal or the Global War on Terrorism Expeditionary Medal provided the individual is otherwise eligible. In addition, the list of U.S. Combat Campaigns and Expeditions which qualify for preference may be found on the State of Florida Veterans Affairs website: www.floridavets.org/benefits/veteranspref.asp under Section IX. Enforcement.
2. If you wish to claim Veterans' Preference, you must meet all four of the following criteria at the time of application:
- Must submit a copy of your DD-214, Certificate of Discharge or Separation from Active Duty, or other official documents (to include military discharge papers, or equivalent certification from the DVA listing military status, dates of service, and discharge type) issued by the branch of service.
 - Must have an "Honorable" discharge, or where separated from the military under honorable conditions.
 - Must be a Florida resident at the time of application.
 - Must 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."
3. Other provisions regarding Veterans' 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.

4. 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 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.