

## VETERANS' PREFERENCE

Veterans' Preference applies to all LCMCD vacancies, except seats on the Board of Commissioners, persons employed on a temporary basis without benefits (Seasonal and On-Call) and heads of departments. A vacancy is defined as a position that is announced as being open for recruitment and available to all applicants and does not include positions that are open to current employees only, positions that are to be filled by reassignment, promotion, or demotion, or positions which are not open for recruitment.

Service members, veterans, spouses and family members of service members and veterans, as defined below, who have not been classified by any branch of the Armed Forces of the United States as a deserter; or have not received a discharge under less than honorable conditions upon separation from the Armed Forces and who are applying for a position with is not exempt as outlined above, shall be eligible to receive preference in appointment and retention in employment as long as the applicant possesses the minimum qualifications necessary to the discharge of the duties involved in the position. 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.

(1) Disabled veterans who have served on active duty in any branch of the United States Armed Forces and who:

- (a) Have a presently existing service-connected disability which is compensable under public laws administered by the DVA; or
- (b) 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 any person:

- (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 forcibly detained or interned in line of duty by a foreign government or power.

(3) A wartime veteran who has served in active duty during a specified wartime period for at least 1 day in a campaign or expedition for which a campaign badge has been authorized, including any armed forces expeditionary medal or the global war on terrorism medal, or during one of the specified periods of wartime service; however, active duty for training is not allowed for eligibility. Wartime service includes:

- 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.
- e) Operation Enduring Freedom – October 7, 2001 to date to be determined.
- f) Operation Iraqi Freedom – March 19, 2003 to date to be determined.
- e) Operation New Dawn: September 1, 2010 to date to be determined.

(4) The unmarried widow or widower of a veteran who died of a service-connected disability.

(5) The mother, father, legal guardian, or unmarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the Department of Defense.

(6) A veteran as defined in [Section 1.01\(14\), F.S.](#), who has served in active duty as specified; however, active duty for training is not allowed for eligibility.

(7) A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

Intentional misrepresentation of any claim for preference shall disqualify the applicant from claiming Veterans' Preference on future applications, and if employed, shall be subject to disciplinary action by LCMCD, up to and including termination.

All applicants wishing to claim veterans' preference must either indicate it on the Employment Application Form, or if applying for a position by submitting a resume, should indicate either on the resume itself or within the cover letter that he/she wishes to claim veterans' preference. In addition, all applicants must also complete [FDVA Form VP-1](#) at the time of application or before the close of the position posting and the following:

- a) Veterans, disabled veterans, and spouses of disabled veterans 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 discharge type.
- 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 the service member while on duty status under combat-related conditions or the DVA certifying the service-connected death of the veteran. The mother, father, or legal guardian shall provide evidence of familial relationship, such as a birth certificate. The unremarried widow or widower of a deceased veteran shall furnish a document from the Department of Defense or the DVA certifying the service-connected death of the veteran, and shall provide evidence of marriage, such as a marriage certificate, and certification that the spouse has not remarried by providing a completed Certification of Unremarried Widow or Widower, [FDVA form VP-3](#).
- f) The current member of any reserve component of the United States Armed Forces shall provide a completed Certification of Current Member of Reserve Component of the United States Armed Forces or The Florida National Guard, [FDVA form VP-2](#), signed by an immediate military supervisor, in addition to the [FDVA form VP-1](#). The current service member of any active component of the United States Armed Forces who is expected to be discharged or released from active duty service under honorable conditions no later than 120 days after the date that a Statement of Service certification or letter is prepared by the armed forces, shall be treated as a preference-eligible applicant. These documents may be provided in lieu of a DD-214 or other documentation which may not be available until active service has ended.

If a timely submitted Veterans' Preference claim is later found to be missing information, LCMCD will make every effort to notify the applicant of what is missing and provide a reasonable amount of time for the applicant to cure the deficiency.

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.

If an applicant claiming veterans' preference for a vacant position is not selected and believes that he or she was not afforded employment preference in accordance with applicable Florida law and regulation, he/she may file a written complaint with the:

Florida Department of Veterans' Affairs  
Division of Benefits and Assistance  
9500 Bay Pines Blvd., Room 214  
St. Petersburg, FL 33708

A complaint must be filed within 60 days of the applicant receiving notice of the hiring decision made by the employing agency. If a notice of hiring decision is not given, it is the responsibility of the veteran to contact the employer within 45 days of the application or interview date whichever is later to determine if the position has been filled. 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.

Effective 10/01/16 Last Revised: 09/16/16



## VETERANS' PREFERENCE CERTIFICATION (VP-1)

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Section 295.07(1), Florida Statutes, provides for Veterans' Preference in employment appointment and retention, if qualified under one of the following categories, and not exempt under Section 295.07(4), Florida Statutes. Section 295.09, Florida Statutes, also provides Veterans' Preference for reinstatement, reemployment, and promotion. If you seek Veterans' Preference, please "check" the appropriate box, and provide this form and documentation of your status with your employment application, no later than the position advertisement closing date.

I certify that I am qualified to claim Veterans' Preference under the category checked below:

- ☐ (a) A disabled veteran:
1. Who has served on active duty in any branch of the United States Armed Forces, has received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the United States Department of Veterans Affairs; or
  2. Who is receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.
- ☐ (b) The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
- ☐ (c) A wartime veteran as defined in s. 1.01(14), who has served at least 1 day during a wartime period. I acknowledge that active duty for training may not be allowed for eligibility under this paragraph.
- ☐ (d) The unremarried widow or widower of a veteran who died of a service-connected disability.
- ☐ (e) The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.
- ☐ (f) A veteran as defined in s. 1.01(14), F.S. I acknowledge that active duty for training may not be allowed for eligibility under this paragraph.
- ☐ (g) A current member of any reserve component of the United States Armed Forces or the Florida National Guard. If so, please attach FDVA form VP2, signed by your immediate military supervisor, to document your status.

Please submit this certification with your application, or as soon as possible, prior to the date that the position advertisement closes. **In order to receive Veterans' Preference and to complete your application, this form and documentation to prove your status must be returned to the Human Resources ("HR") office in accordance with Rule 55A-7.013, Florida Administrative Code.** Please contact HR at [merris@lcmcd.org](mailto:merris@lcmcd.org) or 239-694-2174 ext. 2210, if you have any questions.

This statement is true to the best of my knowledge and belief.

By \_\_\_\_\_

Printed Name



**Certification of Current Member of  
Reserve Component of the United States Armed Forces  
or The Florida National Guard (VP-2)**

**To be completed by your IMMEDIATE MILITARY SUPERVISOR:**

I certify that \_\_\_\_\_ is a current member of  
\_\_\_\_\_(branch) **Reserve Component of the United States Armed Forces or  
The Florida National Guard** (circle one) and is in "Honorable" standing as of this date.

\_\_\_\_\_  
Signature of Immediate Military Supervisor

Date: \_\_\_\_\_

\_\_\_\_\_  
Supervisor's Printed Name and Rank

\_\_\_\_\_  
Military Supervisor's Telephone Number

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**To be completed by APPLICANT:**

Section 295.07(1)(g), Florida Statutes, provides for Veterans' Preference in appointment and retention for a Current member of any Reserve Component of the United States Armed Forces or The Florida National Guard, serving honorably.

In order to receive Veterans' Preference in employment appointment and retention, this form documenting my current service must be returned to the Human Resources office along with Veterans' Preference Certification, FDVA form VP-1, in order to complete the application packet.

**I certify that I am a Current member of \_\_\_\_\_, honorably  
serving, that I intend to continue my military service, and that the following information is accurate:**

Address: \_\_\_\_\_

Home/mobile telephone(s): \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Current Member

\_\_\_\_\_  
Printed name



## **Certification of Unremarried Widow or Widower (VP-3)**

Section 295.07(1)(d), Florida Statutes, provides Veterans' Preference in appointment and retention for an unremarried widow or widower of a Veteran who died of a serviced connected disability and

Section 295.07(1)(e), Florida Statutes, provides Veterans' Preference in appointment and retention for an unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions.

In order to receive Veterans' Preference in employment appointment and retention, this form documenting the fact that I have not remarried, must be returned to the Human Resources office along with Veterans' Preference Certification, FDVA form VP-1, in order to complete the application packet.

### **To be completed by Unremarried Widow or Widower:**

I certify that I, \_\_\_\_\_, was married to \_\_\_\_\_,  
a member of \_\_\_\_\_ (branch) of the United States Armed Forces.

I further certify that I have not remarried since the date of his/her death.

\_\_\_\_\_  
**Signature of Widow or Widower**

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Home/mobile telephone(s): \_\_\_\_\_

Address: \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Printed name: \_\_\_\_\_

Address: \_\_\_\_\_