



# SCHOOL BOARD OF POLK COUNTY

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## Board Members

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SHERRIE B. NICKELL, Ed.D.  
Superintendent

HRS Memo # 12-002

Contact: Peg Brenner, Director of Personnel  
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To: Associate Superintendents, Assistant Superintendents, Senior Directors, Directors, Principals, Assistant Principals, Principals' Secretaries

From : Dennis F. Dunn, Interim Assistant Superintendent, Human Resource Services

Subject: Veterans Preference

Please be reminded of Chapter 295, Florida Statutes which sets forth certain requirements for public employers to accord preferences in appointment, retention, and promotion to certain Veterans and spouses of Veterans who are Florida residents. The relevant portions of the law apply to the State and its political subdivisions including school districts. Please share this document with all hiring administrators at your location. Applicants who claim Veteran's Preference will be required to complete and submit a Veteran's Preference form along with any applicable documentation necessary, such as a DD Form 214, to the hiring administrator.

## 1. CATEGORIES OF PROTECTED INDIVIDUALS

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. 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 unmarried widow or widower of a veteran who died of a service-connected disability.
- Any Armed Forces Expeditionary Medal, as well as the Global War on Terrorism Expeditionary Medal are qualifying for Veterans' Preference.

2. REQUIRED NOTICE BY EMPLOYERS

- Public employers must give notice in all announcements and advertisements of vacancies, that preference in appointment will be given to eligible veterans and spouses, and application forms must inquire whether the applicant is claiming veterans' preference, and whether the applicant has claimed such a preference.
- The regulations provide that an applicant claiming preference is responsible for providing required documentation at the time of making application, but also state that the covered employer must inform applicants of the requirements for documentation.

3. PREFERENCE REQUIRED AT EACH STEP

An eligible veteran is entitled to preference at each stage of the hiring process; however, the preference is not absolute.

4. EMPLOYMENT PREFERENCE WHEN A NUMERICALLY BASED SELECTION PROCESS IS USED

The School District of Polk County does not use a numerically based selection process.

5. PREFERENCE WHEN A NUMERICALLY BASED SELECTION PROCESS IS NOT USED

- Preference must be given to protected individuals provided such persons 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."

6. OTHER PROVISIONS REGARDING 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.

For additional information: <http://www.floridavets.org/benefits/veteranspref.asp>