

55A-7.013 Documentation of Preference Claim.

(1) An applicant who believes he or she is entitled to Veterans' Preference in employment shall indicate such preference on the application form.

(2) The applicant claiming preference is responsible for providing required documentation at the time of making an application for a vacant position, or prior to the closing date of the vacancy announcement.

(3) The employer shall inform applicants of requirements for documentation of eligibility for preference in accordance with subsection (7), below.

(4) The employer shall determine whether an applicant is eligible for Veterans' Preference.

(5) The employer shall document the employee's election of Veterans' Preference.

(6) 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 the employer, including dismissal.

(7) All applicants may submit: a Veterans' Preference Certification, FDVA form VP-1, incorporated by reference and found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14602> or a simple letter, form, or other written application containing essentially the same information, 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. This evidence may be proved by providing a completed Certification of Unremarried Widow or Widower, FDVA form VP-3, incorporated by reference and found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14604> or document or form that similarly provides evidence regarding such the status. This documentation is intended to facilitate granting rather than denying a benefit.

(f) 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.

(g) The current member of any reserve component of the United States Armed Forces may provide a signed memorandum stating he or she is serving honorably from his or her Commander or military human resource personnel, or a completed Certification of Current Member of Reserve Component of the United States Armed Forces or The Florida National Guard, FDVA form VP-2, incorporated by reference and found at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14603>, signed by an immediate military supervisor. Full-Time duties and operational support assignments in the Reserve Component and the Florida National Guard, for all purposes other than receiving training, are Preference-Eligible for recruitment, hiring, retention, and promotional preferences.

(h) 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. Specifically, the employer shall advise the applicant using email, written correspondence or another method, which may be later provided as evidence to the Department and the Public Employees Relations Commission, of what Veterans' Preference documentation is missing, and thereafter request that the applicant for the Veterans' Preference benefit cure any deficiency by submitting the missing documentation within five (5) business days following the date the request is received by the person seeking the Veterans' Preference benefit. An employer must document at least one attempt to contact the applicant. The hiring of the most qualified candidate does not obviate the requirement for statutory compliance with the obligation for providing Veterans' Preference to all eligible candidates.

(i) All persons seeking Veterans' Preference shall attempt to contact Human Resources or other designated contact at least one time after 45 days have passed, but not longer than 90 days from the final date for submitting an application or the interview date, whichever is later in time, and shall document such attempt, if the applicant has not received notice of a hiring decision from the employer. If the employer does respond to the attempted contact, the applicant has 60 days from that attempt date to file a complaint with FDVA.

Rulemaking Authority 295.07(2) FS. Law Implemented 295.065, 295.07, 295.11 FS. History—New 3-30-88, Formerly 22VP-1.013, Amended 2-12-90, 7-12-93, 12-27-98, 6-11-08, 6-27-16, 7-21-19, 8-17-22.