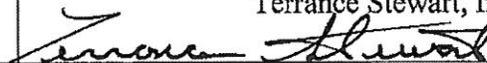


City of Delray Beach 	ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL		SUBJECT: Veterans' Preference	
	NUMBER PER - 14	REVISIONS 1	EFFECTIVE DATE: July 1, 2014	PAGE 1 OF 8
	SUPERSEDES 0	APPROVED BY: Terrance Stewart, Interim City Manager 		

PER-14.0 - Purpose:

The purpose of this directive is to outline the process used for administering the Veterans' Preference program in accordance with the City's Code of Ordinances, Section 35.014, Chapter 295, Florida Statutes, and Chapter 55A-7 of the Florida Administrative Code, in connection with Veterans' Preference in Appointment and Retention in Employment. This procedure applies to all applicants and employees of the City of Delray Beach for positions designated as regular full-time with the exception of the following exempt positions:

- A. Assistant City Managers
- B. City Attorney
- C. Department Heads
- D. Assistant City Attorneys
- E. Police/Legal Advisor
- F. City Commissioners
- G. Part-time employees without benefits

The regulations on Veterans' preference directly affect the screening and selection process, which is the responsibility of the hiring department and Human Resources. The hiring department is required to consult with Human Resources prior to offering an applicant a conditional offer of employment.

PER 14.1 - Procedures:

A. Initial Appointment

1. Recruitment

- a. Job Postings: Job vacancy announcements that are entitled to consideration under this procedure will include the phrase, "Veterans' Preference Applies."
- b. Employment Application:
 - i. Electronic applications will contain a supplemental instructions/procedures sheet regarding Veterans' Preference and a supplemental Veterans' Preference Claim form. (Attachments 1 and 2).
 - ii. The City's employment applications require the applicant to indicate whether or not they are claiming Veterans' Preference. In those cases where the applicant answers 'yes', the applicant will be asked to complete

the Veterans' Preference Claim Form (Attachment 2), requiring him/her to identify which of the eligibility scenarios applies to him/her.

2. Applicants Eligible

- a. Disabled Veterans who have served on active duty in any branch of the Armed Forces and who:
 - i. presently have an existing service-connected disability which is compensable under public laws; or
 - ii. are receiving compensation, disability retirement benefits, or pension by reason of public laws.
- b. The spouse of a Veteran:
 - i. who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment; or
 - ii. 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.
- c. A Veteran who has served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an updated discharge under honorable conditions. "Active Duty for Training" may not be allowable under this paragraph. To receive benefits as a wartime Veteran, a Veteran must have served at least one day during one of the following periods of wartime service:
 - i. **World War II:** December 7, 1941, to December 31, 1946;
 - ii. **Korean Conflict:** June 27, 1950, to January 31, 1955;
 - iii. **Vietnam Era:** February 28, 1961, to May 7, 1975;
 - iv. **Persian Gulf War:** August 2, 1990 to January 2, 1992;
 - v. **Operation Enduring Freedom:** (10/7/2001 to TBD)
 - vi. **Operation Iraqi Freedom:** (3/19/2003 to TBD)
 - vii. **Operation New Dawn:** (9/1/10 to TBD)
- d. The un-remarried widow or widower of a veteran who died of a service-connected disability.

- e. The mother, father, legal guardian, or un-remarried widow or widower of a service member who died as a result of military service under combat-related conditions as verified by the U.S. Department of Defense.
- f. A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.
- g. A Veteran of any war, who has served at least one day during that war time period as defined in subsection 1.01 [14] or who has been awarded a campaign or expeditionary medal.

3. **Eligibility Verification:** The applicant must establish eligibility for consideration under the Veterans' Preference statutes prior to the closing date of the position as follows:

a. Proof of Veterans Eligibility

- i. Veterans, disabled Veterans and spouses of disabled Veterans and family members must furnish a copy of the DD Form 214, or military discharge papers, or equivalent certification from the Department of Veterans Affairs (DVA) listing military status, dates of service, and Character of Discharge.
- ii. Disabled Veterans must also provide documentation from the Department of Defense (DOD) or DVA certifying that the veteran has a compensable service-connected disability.
- iii. Spouses of disabled Veterans must provide:
 - (1) Certification from the DOD or DVA that the Veteran is totally and permanently disabled. (Including proof that the disabled Veteran cannot qualify for employment because of the service-connected disability).
 - (2) Evidence of marriage to the Veteran.
 - (3) A written statement that the spouse is still married to the Veteran at the time of application for employment.
- iv. Spouses of persons on active duty must provide:
 - (1) Documentation from the DOD or DVA certifying that the person on active duty is listed as missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty by a foreign government power.
 - (2) Evidence of marriage to the person on active duty.
 - (3) A written statement that the spouse is still married to the person on active duty at the time of application for employment.

v. The mother, father, legal guardian, or un-remarried widow or widower of deceased Veteran must provide:

- (1) Documentation from the DOD or DVA certifying the service-connected death of the veteran.
- (2) Evidence of marriage to the deceased Veteran.
- (3) A written statement that the spouse is not remarried.

Failure by the applicant to provide the required documentation will invalidate the claim for Veterans' Preference for the vacant position.

4. Selection Process

The eligible applicant must first reach a passing score before Veterans' Preference points can be added. Therefore, if it has been determined that a passing score is 80, the applicant MUST first achieve an 80 on the exam before the Preference points can be added to the overall score.

For positions requiring a numerically based selection process (where a numerical score is the sole factor used in selection), the score of applicants entitled to Veterans' Preference (who obtain a qualifying score on the examination) must be augmented as follows:

- a. where the highest possible examination score is 100, fifteen points must be added to the scores of applicants under 2.a. ten points must be added to the scores of applicants under 2.b., 2.d., 2.e, and 2.g. Five points must be added to scores of applicants under 2.c, and 2.f. above;
- b. where the highest possible examination score is other than 100, fifteen percent must be added to the scores of applicants under 2.a.; ten percent must be added to the scores of applicants under 2.b., 2.d., 2.e. and 2.g. Five percent must be added to scores of applicants under 2.c, and 2. f. above.
- c. the names of persons eligible to receive preference whose service-connected disability has been rated by the Veterans Administration or the Department of Defense to be 30 percent or more must be placed at the top of the appropriate register or employment list in the order of their augmented rating. This does not apply to promotional tests.
- d. For positions not requiring a numerically based selection process, preference MUST first be given to the disabled Veteran. Then the other categories will come second. This is provided that the individuals meet the minimum qualifications.
- e. The most qualified applicant should be selected for the position. If the most qualified applicants (including a preference eligible Veteran) are equally qualified, the Veteran must be given selection preference. If the non-veteran is the most qualified for a position, the non-veteran should be employed.

- f. Documentation of the hiring decision is paramount. In those cases where the Veteran is not selected, the hiring department must be able to demonstrate why the Veteran was not selected, should they be asked. All interview questions, notes and score sheets should be retained should the need arise to justify the action taken.

B. Reinstatement and/or Promotion

1. When an eligible employee leaves employment with the City of Delray Beach to serve in the Armed Forces, the City of Delray Beach will reinstate the employee to the same or equivalent position within one (1) year of separation or discharge provided the employee is separated under honorable conditions, and proof of such service is documented in the form of a new DD Form 214. This provision applies for both voluntary and involuntary service and for active military service only, service such as reserve drills or training does not apply.
2. Those employees reinstated under this provision will be awarded preference in promotion. Specifically, when a promotion opportunity exists, should the Veteran be as qualified as the most qualified contender, the Veteran **MUST** be offered the promotion. This entitlement expires with the Veteran's first promotion.
3. A Veteran's Preference eligible applicant is entitled to multiple promotions if they have had multiple deployments under Title 10 and returned "Honorably." In these situations each deployment warrants a promotional opportunity.

C. Retention

1. When layoffs or a reduction-in-force are necessary, special consideration in the retention of employees shall be given as follows:
 - a. First, to those applicants under 2.a.; and
 - b. Second, to applicants under 2.b., 2.d., 2.e. and 2.g above.
2. In those cases where two (2) employees otherwise equally compare under the City's layoff procedure and one is a Veteran, the Veteran must be retained.
3. Records shall be maintained to document the manner of retention and the propriety of the retention decision process.

D. Enforcement of Preference

1. Human Resources is required to inform preference eligible applicants at the time of applicant selection of:
 - a. the right to an investigation by the Division of Veterans' Benefits and Assistance if a non-preferred eligible applicant is appointed to a position;
 - b. the time limits for requesting such investigation; and
 - c. the address to which the request for an investigation should be sent.