Dear Colleagues,

Effective June 27, 2016, the Florida Department of Veterans’ Affairs (FDVA) has amended Chapter 55A-7, F.A.C., which govern veterans’ preference in appointment and retention in employment. The new rules can be found on the FDVA website at: http://floridavets.org/benefits-services/veterans-preference/.

In 2014, Chapter 2014-01, Laws of Florida, contained new and updated provisions for military and veteran support that took effect July 1, 2014. A major component of this law expanded the types of military service that qualify individuals for preference in recruitment, selection, and retention for employment with the State of Florida and its political subdivisions, including the State Personnel System (SPS). Since this law was implemented, the SPS has complied with the statutory changes by operating under the policy guidance document titled, Interim Administration of Veterans’ Preference in the Career Service. The document was intended to be used as guidance for the interim period while the FDVA promulgated rules necessary for implementation of Chapter 2014-01, Laws of Florida.

With the release of the amended rules in Chapter 55A-7, F.A.C., the Division of Human Resource Management (DMS-HRM) is temporarily rescinding the guidance document Interim Administration of Veterans’ Preference in the Career Service until a complete analysis of the changes to Chapter 55A-7, F.A.C., can be conducted. DMS-HRM is currently in discussions with the FDVA to obtain clarity on certain aspects of administration of the new rule requirements and necessary revisions will be incorporated into DMS-HRM guidance documents based on these newly released rules. Agencies should now refer to Chapter 55A-7, F.A.C., for a full listing of the veterans’ preference requirements and should pay particular attention to the following provisions which impact current SPS administration of veterans’ preference:

- Rule 55A-7.011(2), F.A.C., provides that when numerically based processes are not used in the application of veterans’ preference, preference eligible applicants who meet the minimum qualifications for the open position shall be considered for selection and shall be granted an interview in all cases.

- Rule 55A-7.013(7)(g), F.A.C., states that the employer has an affirmative duty to notify the applicant if a timely submitted Veterans’ Preference claim is later found to be missing information and that the employer shall advise the applicant of what is missing and provide a reasonable amount of time for the applicant to cure the deficiency.
Rule 55A-7.013, F.A.C., incorporates three new forms (FDVA forms VP-1, VP-2, and VP-3) in the administration of veterans’ preference. DMS-HRM is currently seeking clarification from the FDVA as to the applicability of FDVA form VP-1 for employers that collect veterans’ preference information electronically as we do in the SPS.

DMS-HRM will share information related to these new rule requirements with SPS agencies as it becomes available from the FDVA. Please contact Matt Gregory at 850-921-4618 or Mark Helms at 850-487-1508 if you have any questions relating to the new veterans’ preference rules.

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