



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	3120.11
Title of Policy:	Preference for Veterans in Employment
Cabinet Member:	Dr. Beth Thedy
Purpose of Proposed Policy:	The purpose of the proposed policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed policy promotes transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> ● Cabinet – 1/17/2023 ● Work Session – 2/7/2023 ● Rule Development Workshop – 2/21/23 ● School Board Meeting Information – 2/21/23 ● School Board Meeting Approval – 3/7/23 ● Effective Date – upon approval
Summary of Proposed Policy:	<ul style="list-style-type: none"> ● This proposed policy encompasses suggested language from NEOLA.
Specific Authority:	§§1012.32;F.S.
Next Steps:	<ul style="list-style-type: none"> ● Revisions to internal procedures ● Training for BPS employees regarding revisions to policy and revised procedures

NEOLA Template

Neola Template – BPS has not adopted

3120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given pursuant to the following:

- A. Those disabled veterans:
 1. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or
 2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the 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 F.S. 1.01(14) who has served at least one (1) day during a wartime period. 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 F.S. 1.01(14). 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.

Preference in employment and retention may be given only to eligible persons who are described above.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A disabled veteran employed as the result of being placed at the top of the appropriate employment list shall be appointed for a probationary period of one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will be subject to the employment policies of the District.

[NOTE: If reinstatement and reemployment is addressed in detail in the CBA, then the next section could be omitted from this policy ... that is, provided the CBA language provides; at a minimum, the preference granted such veterans as provided by State law and described in the section below.]

[] Reinstatement or Reemployment

When a District employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent

position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

[NOTE: Choose the option below if the section entitled "Reemployment and Reinstatement" is to be included in the policy, and if the CBA provides benefits for bargaining unit members that exceed those described in State law and this section.]

Instructional staff members in bargaining units should refer to the collective bargaining agreement for additional provisions in this regard.

[NOTE: To the extent that this policy changes terms and conditions of employment of bargaining unit members, the certified bargaining agent would have the right to negotiate concerning these changes.]

© Neola 2014

Legal

F.S. 110.2135

F.S. 295.07

F.S. 295.08

F.S. 295.085

F.S. 295.09

Cross References

ap3121C - PREFERENCE FOR VETERANS IN EMPLOYMENT

**Proposed
New
Policy**

BPS PROPOSED

3120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT

A. General

1. Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

B. Appointment or Retention in Positions of Employment

1. Preference shall be given pursuant to the following:
 - a. Those disabled veterans:
 - b. who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or
 - c. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.
 - d. 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.
 - e. A wartime veteran as defined in F.S. 1.01(14) who has served at least one (1) day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.
 - f. The unremarried widow or widower of a veteran who died of a service-connected disability.
 - g. 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.
 - h. A veteran as defined in F.S. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.
 - i. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.
2. Preference in employment and retention may be given only to eligible persons who are described above.
3. In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

4. A disabled veteran employed as the result of being placed at the top of the appropriate employment list shall be appointed for a probationary period of one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will be subject to the employment policies of the District.

C. Reinstatement or Reemployment

1. When a District employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.
2. Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.
3. The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.
4. Instructional staff members in bargaining units should refer to the collective bargaining agreement for additional provisions in this regard.

© Neola 2014

Legal

F.S. 110.2135

F.S. 295.07

F.S. 295.08

F.S. 295.085

F.S. 295.09