

MEMORANDUM

TO: Jimmy L. Morales, City Manager

FROM: Michael Smith, Human Resources Director
Alex Denis, Procurement Director

DATE: November 6, 2020

SUBJECT: Benefits and Preferences Provided to Veterans

The purpose of this memorandum is to communicate to the City Commission the benefits and preferences provided to veterans by the City.

With regard to matters of employment, Florida statutes provides for veterans preference that all state and political subdivisions of the state shall give preference in employment and promotions after being deployed. (FS 295.07, 295.11) Individuals who qualify for this preference are as follows:

1. a disabled veteran who has served on active duty in any branch of the U.S. Armed Forces, has received an honorable discharge, and has 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 who is receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans Affairs and U.S. Department of Defense;
2. 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;
3. a wartime veteran as defined in s. 1.01(14), who has served at least one day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph;
4. the unremarried widow or widower of a veteran who died of a service-connected disability;
5. the mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense;
6. a veteran as defined in s. 1.01(14), F.S. Active duty for training may not be allowed for eligibility under this paragraph; and
7. a current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Further, eligible applicants who meet the requirements for the position are guaranteed preference. Points are given for preference during the hiring process. Veterans must have been honorably discharged as indicated on their DD214 to be eligible for preference. Eligible applicants who meet the requirements for the position are guaranteed preference if the employer uses a numeric system. They now have 5, 10 and 15 points/percentages. They are dispersed as follows:

- disabled veterans: 15 points/percent;
- the spouse of a veteran with a total and permanent service-connected disability, Missing in action, Captured in line of duty by a hostile force, or Detained or Interned in line of duty by a foreign government or power: 10 points/percent;
- a veteran of any war who has served at least one day during that wartime period or who has been awarded a campaign or expeditionary medal: 10 points/percent;
- the unremarried widow or widower of a veteran who died of a service-connected disability: 10 points/percent;
- the mother, father, legal guardian, or unremarried widow or widower of a service member who died as a result of military service under combat-related conditions: 10 points/percent;
- a veteran as defined in Section 1.01 (14), Florida Statutes: The term 'veteran' means a person who served in the active military, naval, or air service and who was discharged under honorable conditions: 5 points/percent; and
- a current member of any reserve component of the U.S. Armed Forces or the Florida National Guard: 5 points/percent.

In order to qualify for veterans' preference for a promotion, a veteran preference-eligible applicant must have had a break in employment and been deployed, come back to the public entity that they were previously employed by and be reinstated or reemployed. They must return with a DD214 or comparable documents showing that they were ordered and discharged under Title 10.

The federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) protects servicemembers' and veterans' civilian employment rights. Among other things, under certain conditions, USERRA requires employers to put individuals back to work in their civilian jobs after military service. The act applies to private and government agencies and is administered by the US Department of Labor.

With regard to matters of procurement, Section 2-374 of the City Code provides a preference to veterans in the contracting of goods and services as follows:

1. ITBs and requests for quotation. The city, when considering two or more bids submitted pursuant to an ITB or a request for quotations for the purchase of goods or services gives a preference to a responsive and responsible bidder which is a small business concern owned and controlled by a veteran(s) or which is a service-disabled veteran business enterprise, and which is within five percent of the lowest and best bidder, by providing such bidder an opportunity of providing said goods or services for the lowest responsive bid amount.

2. Request for proposals, request for qualifications, and invitations to negotiate. The city commission, or the city manager (in instances where such action has been delegated to the manager), in considering, determining, and/or approving the evaluation methodology, selection criteria, and/or other factors determined by the city to [be] applicable in the recommendation and selection of proposers submitting responses pursuant to an RFP, or RFQ, or ITN, as appropriate, shall include (as part of such evaluation methodology, selection criteria, and/or other applicable factors to be set forth and included within the RFP, RFQ, or ITN) and give an additional five points (where the evaluation methodology is based on points system from 0 - 100 points), or an additional five percent (where the evaluation methodology is based on a percentage system 0 - 100 percent), to proposers which are a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise.

For more information on veteran preferences in matters of employment, contact Ramon Suarez, recruitment manager, at ramonsuarez@miamibeachfl.gov. For more information on veteran preferences in matters of procurement, contact Alex Denis, procurement director, at alexdenis@miamibeachfl.gov.