

By: Menéndez

H.B. No. 754

A BILL TO BE ENTITLED

AN ACT

relating to the employment of individuals qualified for a veteran's employment preference.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Military Veterans' Full Employment Act.

SECTION 2. Chapter 657, Government Code, is amended to read as follows:

CHAPTER 657. VETERAN'S EMPLOYMENT PREFERENCES

Sec. 657.001. DEFINITIONS. In this chapter:

(1) "State agency" means a board, commission, council, committee, department, office, agency, or other governmental entity in the executive, legislative, or judicial branch of state government, including an institution of higher education as defined by Section 61.003, Education Code. [~~"Established service-connected disability" means a disability that has been or may be established by official records.~~]

(2) "Veteran" has the meaning assigned by Section 2308.251.

(3) "Veteran with a disability" means a veteran who is classified as disabled by the United States Department of Veterans Affairs or its successor or the branch of the service in which the veteran served and whose disability is service-connected. [~~"Public entity" means a public department, commission, board, or agency.~~]

1           Sec. 657.002. INDIVIDUALS QUALIFIED FOR ~~[ENTITLED TO]~~  
2 VETERAN'S EMPLOYMENT PREFERENCE. The following individuals qualify  
3 ~~[(a) A veteran qualifies]~~ for a veteran's employment preference  
4 ~~[if the veteran]:~~

5           (1) a veteran, including a veteran with a disability  
6 ~~[served in the military for not less than 90 consecutive days during~~  
7 ~~a national emergency declared in accordance with federal law or was~~  
8 ~~discharged from military service for an established~~  
9 ~~service-connected disability];~~

10           (2) a ~~[was honorably discharged from military service,~~  
11 ~~and~~

12           ~~[(3) is competent.]~~

13           ~~[(b) A]~~ veteran's surviving spouse who has not remarried;  
14 and

15           (3) [or] an orphan of a veteran ~~[qualifies for a~~  
16 ~~veteran's employment preference]~~ if ~~[+~~

17           ~~[(1)]~~ the veteran was killed while on active duty ~~[+~~

18           ~~[(2) the veteran served in the military for not less~~  
19 ~~than 90 consecutive days during a national emergency declared in~~  
20 ~~accordance with federal law; and~~

21           ~~[(3) the spouse or orphan is competent].~~

22           ~~[(c) In this section, "veteran" means an individual who~~  
23 ~~served in the army, navy, air force, marine corps, or coast guard of~~  
24 ~~the United States or in an auxiliary service of one of those~~  
25 ~~branches of the armed forces.]~~

26           Sec. 657.003. VETERAN'S EMPLOYMENT PREFERENCE. (a) An  
27 individual who qualifies for a veteran's employment preference is

entitled to a preference in employment with or appointment to a state agency ~~[public entity or for a public work of this state]~~ over other applicants for the same position who do not have a greater qualification.

(b) A veteran with a disability ~~[An individual who has an established service-connected disability and]~~ is entitled to a veteran's employment preference ~~[is entitled to preference]~~ for employment or appointment ~~[in a position for which a competitive examination is not held]~~ over all other applicants for the same position who are not veterans with a disability ~~[without a service-connected disability]~~ and who do not have a greater qualification.

(c) If a state agency ~~[public entity or public work of this state]~~ requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a veteran's employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of 10 points added to the test score. A veteran with a disability ~~[An individual who has an established service-connected disability]~~ is entitled to have a service credit of five additional points added to the individual's test score.

(d) An individual entitled to a veteran's employment preference is not disqualified from holding a position with a state agency ~~[public entity or public work of this state]~~ because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the

duties of the position.

~~[(c) This chapter does not apply to:~~

~~[(1) the position of private secretary or deputy of an official or department, or~~

~~[(2) a person holding a strictly confidential relation to the appointing or employing officer.]~~

Sec. 657.004. VETERAN EMPLOYMENT GOAL ~~[PREFERENCE REQUIRED]~~ FOR STATE AGENCIES ~~[PUBLIC ENTITIES AND PUBLIC WORKS]~~.

(a) Each state agency shall establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least 15 ~~[An individual whose duty is to appoint or employ individuals for a public entity or public work of this state shall give preference in hiring to individuals entitled to a veteran's employment preference so that at least 40] percent of the total number of employees of the state agency~~ ~~[public entity or public work are selected from individuals given that preference. A public entity or public work that does not have 40 percent of its employees who are entitled to the preference shall, in filling vacancies, give preferences to individuals entitled to a veteran's employment preference until it does have at least 40 percent of its employees who are entitled to the preference].~~

(b) A state agency may establish a veteran employment goal that is greater than the percentage required under Subsection (a) ~~[A public entity or public work shall, when possible, give 10 percent of the preferences granted under this chapter to qualified veterans discharged from the armed services of the United States within the preceding 18 months.]~~

1       ~~[(c) A public entity or public work that has at least 40~~  
2 ~~percent of its employees who are entitled to the preference is~~  
3 ~~exempt from the requirements of Section 657.005].~~

4       Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND  
5 IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO VETERAN'S EMPLOYMENT  
6 PREFERENCE. (a) A state agency may designate an open position as a  
7 veteran's position and only accept applications for that position  
8 from individuals who are entitled to a veteran's employment  
9 preference under Section 657.003.

10       (b) Notwithstanding any other law, a state agency may hire  
11 or appoint for an open position within the agency an individual  
12 entitled to a veteran's employment preference under Section 657.003  
13 without announcing or advertising the position if the agency:

14               (1) uses the automated labor exchange system  
15 administered by the Texas Workforce Commission to identify an  
16 individual who qualifies for a veteran's employment preference  
17 under this chapter; and

18               (2) determines the individual meets the  
19 qualifications required for the position.

20       Sec. 657.0046. STATE AGENCY VETERAN'S LIAISON. (a) Each  
21 state agency that has at least 500 full-time equivalent positions  
22 shall designate an individual from the agency to serve as a  
23 veteran's liaison.

24       (b) A state agency that has fewer than 500 full-time  
25 equivalent positions may designate an individual from the agency to  
26 serve as a veteran's liaison.

27       (c) Each state agency that designates a veteran's liaison

1 shall make available on the agency's Internet website the liaison's  
2 individual work contact information.

3 Sec. 657.0047. INTERVIEWS AT STATE AGENCIES. For each  
4 announced open position at a state agency, the state agency shall  
5 interview the greater of:

6 (1) one individual qualified for a veteran's  
7 employment preference under Section 657.003; or

8 (2) a number of individuals qualified for a veteran's  
9 employment preference under Section 657.003 equal to 20 percent of  
10 the total number of individuals interviewed for the position.

11 Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The  
12 individual whose duty is to appoint or employ an applicant for a  
13 position with a [~~public entity or public work of this~~] state agency  
14 or an officer or the chief administrator of the agency [~~entity or~~  
15 ~~work~~] who receives an application for appointment or employment by  
16 an individual entitled to a veteran's employment preference, before  
17 appointing or employing any individual, shall investigate the  
18 qualifications of the applicant for the position. [~~If the~~  
19 ~~applicant is of good moral character and can perform the duties of~~  
20 ~~the position, the officer, chief executive, or individual whose~~  
21 ~~duty is to appoint or employ shall appoint or employ the applicant~~  
22 ~~for the position.~~]

23 (b) An applicant who is a veteran with a [~~an established~~  
24 ~~service-connected~~] disability shall furnish the official records  
25 to the individual whose duty is to fill the position.

26 Sec. 657.006. FEDERAL LAW AND GRANTS. To the extent that  
27 this chapter conflicts with federal law or a limitation provided by

1 a federal grant to a state agency [~~public entity~~], this chapter  
2 shall be construed to operate in harmony with the federal law or  
3 limitation of the federal grant.

4 Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN  
5 WORKFORCE. (a) An individual entitled to a hiring or appointment  
6 preference under this chapter is also entitled to a preference in  
7 retaining employment if the state agency [~~public entity~~] that  
8 employs or appoints the individual reduces its workforce.

9 (b) The preference granted under this section applies only  
10 to the extent that a reduction in workforce by an employing state  
11 agency [~~public entity~~] involves other employees of a similar type  
12 or classification.

13 Sec. 657.008. REPORTING REQUIREMENTS. (a) A state agency  
14 [~~public entity~~] shall file quarterly with the comptroller a report  
15 that states:

16 (1) the percentage of the total number of employees  
17 hired or appointed by the agency [~~entity~~] during the reporting  
18 period who are persons entitled to a preference under this chapter;

19 (2) the percentage of the total number of the agency's  
20 [~~entity's~~] employees who are persons entitled to a preference under  
21 this chapter; and

22 (3) the number of complaints filed with the executive  
23 director [~~governing body~~] of the agency [~~entity~~] under Section  
24 657.010 during that quarter and the number of those complaints  
25 resolved by the executive director [~~governing body~~].

26 (b) The comptroller shall make each quarterly report filed  
27 under Subsection (a) available to the public on the comptroller's

1 Internet website.

2 (c) Not later than December 1 of each year, the [The]  
3 comptroller shall file [~~annually~~] with the legislature a report  
4 that compiles and analyzes information that the comptroller  
5 receives from state agencies [~~public entities~~] under Subsection  
6 (a).

7 Sec. 657.009. STATE AGENCIES [~~PUBLIC ENTITIES~~] TO LIST  
8 POSITIONS WITH TEXAS WORKFORCE COMMISSION. (a) A state agency  
9 [~~public entity~~] shall provide to the Texas Workforce Commission,  
10 under rules adopted under this section by the commission,  
11 information regarding an open position that is subject to the  
12 hiring or appointment preference required by this chapter.

13 (b) The Texas Workforce Commission shall make available to  
14 the public the information provided by a state agency [~~public~~  
15 ~~entity~~] under Subsection (a).

16 (c) To promote the purposes of this chapter, the Texas  
17 Workforce Commission shall adopt rules under this section that  
18 facilitate the exchange of employment information between state  
19 agencies [~~public entities~~] and individuals entitled to a preference  
20 under this chapter.

21 (d) The Texas Workforce Commission shall adopt forms and  
22 procedures necessary to administer this section.

23 Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF  
24 STATE AGENCY [~~PUBLIC ENTITY OR PUBLIC WORK~~]. (a) An individual  
25 entitled to a veteran's employment preference under this chapter  
26 who is aggrieved by a decision of a state agency [~~public entity or~~  
27 ~~public work of this state~~] to which this chapter applies relating to



1 hiring or appointing the individual, or relating to retaining the  
 2 individual if the state agency [~~entity or work~~] reduces its  
 3 workforce, may appeal the decision by filing a written complaint  
 4 with the executive director [~~governing body~~] of the state agency  
 5 [~~public entity or public work~~] under this section.

6 (b) The executive director [~~governing body~~] of a state  
 7 agency [~~public entity or public work~~] that receives a written  
 8 complaint under Subsection (a) shall respond to the complaint not  
 9 later than the 15th business day after the date the executive  
 10 director [~~governing body~~] receives the complaint. The executive  
 11 director [~~governing body~~] may render a different hiring or  
 12 appointment decision than the decision that is the subject of the  
 13 complaint if the executive director [~~governing body~~] determines  
 14 that the veteran's preference was not applied.

15 SECTION 3. The changes in law made by this Act to Chapter  
 16 657, Government Code, apply only to an open position with a state  
 17 agency for which the state agency begins accepting applications on  
 18 or after the effective date of this Act. An open position with a  
 19 state agency for which the state agency begins accepting  
 20 applications before the effective date of this Act is governed by  
 21 the law in effect on the date the state agency began accepting  
 22 applications, and the former law is continued in effect for that  
 23 purpose.

24 SECTION 4. This Act takes effect September 1, 2015.