

BILL ANALYSIS

C.S.H.B. 1043

By: Orr

Technology, Economic Development & Workforce
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Each year, hundreds of children "age out" of the foster care system. They are far more likely than other young people to be unemployed and homeless. Because the state has decided, in almost every case, to sever the parental rights of parents of these children, once state support ends, they often have nowhere to go and no one to turn to. Texas has a unique moral obligation to assist this population.

C.S.H.B. 1043 entitles individuals who are in the foster care system on the day before they turn 18 to an employment preference at a state agency over other applicants for the same position who do not have a greater qualification. In addition, C.S.H.B. 1043 adds individuals who are in the foster care system on the day before they turn 18 to the list of individuals who are economically disadvantaged for purposes of the enterprise zone program.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1043 amends the Government Code to entitle an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services (DFPS) on the day preceding the individual's 18th birthday to a preference in employment with a state agency over other applicants for the same position who do not have a greater qualification. The bill defines "state agency" as a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or a state statute, including an institution of higher education as defined by law. The bill entitles such an individual to have a service credit of 10 points added to the test score if a state agency requires a competitive examination under a merit system or civil service plan for selecting or promoting employees and the individual is otherwise qualified for the position and has received at least the minimum required score for the test. The bill makes its provisions inapplicable to the position of private secretary or deputy of an official or department, or an individual holding a strictly confidential relation to the employing officer. The bill entitles an individual entitled to a hiring preference to a preference in retaining employment if the state agency that employs the individual reduces its workforce. The bill specifies that this preference applies only to the extent that a reduction in workforce by an employing state agency involves other employees of a similar type or classification.

C.S.H.B. 1043 includes an individual who was under the permanent managing conservatorship of the DFPS on the day preceding the individual's 18th birthday among the descriptions of an economically disadvantaged individual under provisions concerning employment of economically disadvantaged individuals by employers in enterprise zones.

C.S.H.B. 1043 authorizes an individual entitled to an employment preference who is aggrieved by a decision of a state agency relating to hiring the individual, or relating to retaining the individual if the state agency reduces its workforce, to appeal the decision by filing a written complaint with the governing body of the state agency. The bill requires the governing body of a state agency that receives a written complaint to respond to the complaint not later than the 15th business day after the date the governing body receives the complaint. The bill authorizes the

governing body to render a different hiring decision than the decision that is the subject of the complaint if the governing body determines that the employment preference was not applied. C.S.H.B. 1043 specifies that to the extent its provisions conflict with federal law or a limitation provided by a federal grant to a state agency, its provisions are to be construed to operate in harmony with the federal law or limitation of the federal grant. The bill amends provisions relating to individuals who are economically disadvantaged individuals for purposes of the Enterprise Zone Program to add an individual who was under the permanent managing conservatorship of DFPS on the day preceding the individual's 18th birthday.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1043 adds a provision not in the original to add an individual who was under the permanent managing conservatorship of DFPS on the day preceding the individual's 18th birthday to the individuals who are economically disadvantaged individuals for purposes of the enterprise zone program.