

By: Orr, Rodriguez, Parker, Strama, Shelton,
et al.

H.B. No. 1043

A BILL TO BE ENTITLED

AN ACT

relating to the creation of business opportunities for certain
former foster children.

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

SECTION 1. Subtitle B, Title 6, Government Code, is amended
by adding Chapter 672 to read as follows:

CHAPTER 672. EMPLOYMENT PREFERENCE FOR FORMER FOSTER CHILDREN

Sec. 672.001. DEFINITION. In this chapter, "state agency"
means 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 Section 61.003, Education Code.

Sec. 672.002. EMPLOYMENT PREFERENCE. (a) An individual
who was under the permanent managing conservatorship of the
Department of Family and Protective Services on the day preceding
the individual's 18th birthday is entitled to a preference in
employment with a state agency over other applicants for the same
position who do not have a greater qualification.

(b) If a state agency requires a competitive examination
under a merit system or civil service plan for selecting or
promoting employees, an individual entitled to an employment
preference under this chapter 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

1 to the test score.

2 (c) This chapter does not apply to:

3 (1) the position of private secretary or deputy of an
4 official or department; or

5 (2) an individual holding a strictly confidential
6 relation to the employing officer.

7 Sec. 672.003. FEDERAL LAW AND GRANTS. To the extent that
8 this chapter conflicts with federal law or a limitation provided by
9 a federal grant to a state agency, this chapter shall be construed
10 to operate in harmony with the federal law or limitation of the
11 federal grant.

12 Sec. 672.004. PREFERENCE APPLICABLE TO REDUCTION IN
13 WORKFORCE. (a) An individual entitled to a hiring preference under
14 this chapter is also entitled to a preference in retaining
15 employment if the state agency that employs the individual reduces
16 its workforce.

17 (b) The preference granted under this section applies only
18 to the extent that a reduction in workforce by an employing state
19 agency involves other employees of a similar type or
20 classification.

21 Sec. 672.005. COMPLAINT REGARDING EMPLOYMENT DECISION OF
22 STATE AGENCY. (a) An individual entitled to an employment
23 preference under this chapter who is aggrieved by a decision of a
24 state agency to which this chapter applies relating to hiring the
25 individual, or relating to retaining the individual if the state
26 agency reduces its workforce, may appeal the decision by filing a
27 written complaint with the governing body of the state agency under

1 this section.

2 (b) The governing body of a state agency that receives a
3 written complaint under Subsection (a) shall respond to the
4 complaint not later than the 15th business day after the date the
5 governing body receives the complaint. The governing body may
6 render a different hiring decision than the decision that is the
7 subject of the complaint if the governing body determines that the
8 employment preference under this chapter was not applied.

9 Sec. 672.006. AGE LIMIT. An individual is entitled to an
10 employment preference under this chapter only if the individual is
11 22 years of age or younger.

12 SECTION 2. Section 2303.402(c), Government Code, is amended
13 to read as follows:

14 (c) For the purposes of this section, an economically
15 disadvantaged individual is an individual who:

16 (1) was unemployed for at least three months before
17 obtaining employment with the qualified business;

18 (2) receives public assistance benefits, including
19 welfare payments or food stamps, based on need and intended to
20 alleviate poverty;

21 (3) is a low-income individual, as defined by Section
22 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

23 (4) is an individual with a disability, as defined
24 by 29 U.S.C. Section 705(20)(A);

25 (5) is an inmate, as defined by Section 498.001;

26 (6) is entering the workplace after being confined in
27 a facility operated by the institutional division of the Texas

1 Department of Criminal Justice or under contract with the Texas
2 Department of Criminal Justice;

3 (7) has been released by the Texas Youth Commission
4 and is on parole, if state law provides for such a person to be on
5 parole; ~~or~~

6 (8) meets the current low income or moderate income
7 limits developed under Section 8, United States Housing Act of 1937
8 (42 U.S.C. Section 1437f et seq.); or

9 (9) was under the permanent managing conservatorship
10 of the Department of Family and Protective Services on the day
11 preceding the individual's 18th birthday.

12 SECTION 3. This Act takes effect September 1, 2009.