

By: Orr

H.B. No. 1043

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an employment preference at state agencies 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 SECTION 2. This Act takes effect September 1, 2009.