

House Bill 1043
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 to the test score.

(c) This chapter does not apply to:

- (1) the position of private secretary or deputy of an official or department; or
- (2) an individual holding a strictly confidential relation to the employing officer.

SENATE VERSION

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

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

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

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

(b) The governing body of a state agency that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the governing body receives the complaint. The governing body may render a different hiring decision than the decision that is the subject of the complaint if

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Sec. 672.004. COMPLAINT REGARDING EMPLOYMENT DECISION OF STATE AGENCY. (a) An individual entitled to an employment preference under this chapter who is aggrieved by a decision of a state agency to which this chapter applies relating to hiring the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the governing body of the state agency under this section.

(b) The governing body of a state agency that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the governing body receives the complaint. The governing body may render a different hiring decision than the decision that is the subject of the complaint if

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the governing body determines that the employment preference under this chapter was not applied.

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

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

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

- (1) was unemployed for at least three months before obtaining employment with the qualified business;
- (2) receives public assistance benefits, including welfare payments or food stamps, based on need and intended to alleviate poverty;
- (3) is a low-income individual, as defined by Section 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));
- (4) is an individual with a disability, as defined by 29 U.S.C. Section 705(20)(A);
- (5) is an inmate, as defined by Section 498.001;
- (6) is entering the workplace after being confined in a facility operated by the institutional division of the Texas Department of Criminal Justice or under contract with the Texas Department of Criminal Justice;
- (7) has been released by the Texas Youth Commission and is on parole, if state law provides for such a person to be on parole; [ø]
- (8) meets the current low income or moderate income

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the governing body determines that the employment preference under this chapter was not applied.

Sec. 672.005. AGE LIMIT. An individual is entitled to an employment preference under this chapter only if the individual is 25 years of age or younger.

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limits developed under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f et seq.); or (9) was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday.

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

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