

By: Menendez

H.B. No. 3545

A BILL TO BE ENTITLED

AN ACT

relating to employment, higher education, and state purchasing programs for veterans.

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

SECTION 1. This Act may be cited as the Veterans' Employment and Business Opportunity Act.

SECTION 2. Section 657.001, Government Code, is amended to read as follows:

Sec. 657.001. DEFINITIONS. In this chapter:

(1) "Disabled veteran" 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.
~~["Established service-connected disability" means a disability that has been or may be established by official records.]~~

(2) "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.

(3) "Veteran" has the meaning assigned by Section 2308.251. ~~["Public entity" means a public department, commission, board, or agency.]~~

SECTION 3. Section 657.002, Government Code, is amended to

1 read as follows:

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

6 (1) a veteran [~~served in the military for not less than~~
7 ~~90 consecutive days during a national emergency declared in~~
8 ~~accordance with federal law or was discharged from military service~~
9 ~~for an established 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, if
14 the veteran was killed while on active duty; 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 SECTION 4. Sections 657.003(a), (c), and (d), Government
27 Code, are amended to read as follows:

1 (a) An individual who qualifies for a veteran's employment
2 preference is entitled to a preference in employment with or
3 appointment to a state agency [~~public entity or for a public work of~~
4 ~~this state~~] over other applicants for the same position [~~who do not~~
5 ~~have a greater qualification~~].

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

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

22 SECTION 5. Section 657.004, Government Code, is amended to
23 read as follows:

24 Sec. 657.004. VETERAN'S PREFERENCE REQUIRED FOR STATE
25 AGENCIES [~~PUBLIC ENTITIES AND PUBLIC WORKS~~]. (a) A state agency [~~An~~
26 ~~individual whose duty is to appoint or employ individuals for a~~
27 ~~public entity or public work of this state~~] shall give preference in

1 hiring to individuals entitled to a veteran's employment preference
2 until [~~so that~~] at least 40 percent of the employees of the state
3 agency [~~public entity or public work~~] are selected from individuals
4 given that preference.

5 (b) Unless an insufficient number of individuals entitled
6 to a veteran's employment preference apply for an open agency
7 position, a state agency [~~A public entity or public work~~] that does
8 not have 40 percent of its employees who are entitled to the
9 veteran's employment preference shall for each announced open
10 position at the agency interview the greater of:

11 (1) one individual entitled to a veteran's employment
12 preference; or

13 (2) a number of [~~, in filling vacancies, give~~
14 ~~preferences to~~] individuals entitled to a veteran's employment
15 preference equal to 20 percent of the total number of individuals
16 interviewed for the position [~~until it does have at least 40 percent~~
17 ~~of its employees who are entitled to the preference~~].

18 (c) A state agency may designate an open position as a
19 veterans position and accept applications for the position only
20 from individuals eligible for [~~(b) A public entity or public work~~
21 ~~shall, when possible, give 10 percent of~~] the preferences granted
22 under this chapter.

23 (d) A state agency with more than 500 full-time equivalent
24 positions shall designate an individual from the agency to serve as
25 a veterans liaison within the agency [~~to qualified veterans~~
26 ~~discharged from the armed services of the United States within the~~
27 ~~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 SECTION 6. Chapter 657, Government Code, is amended by
5 adding Section 657.0045 to read as follows:

6 Sec. 657.0045. IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO
7 VETERAN'S PREFERENCE. Notwithstanding any other law, a state
8 agency that has not reached the employment percentage required
9 under Section 657.004 may hire for an open position within the
10 agency an individual entitled to a veteran's employment preference
11 under that section without announcing or advertising the position
12 if the agency:

13 (1) uses the Texas Workforce Commission's employment
14 Internet website to identify an individual who qualifies for a
15 veteran's employment preference under this chapter; and

16 (2) determines the individual meets the
17 qualifications required for the position.

18 SECTION 7. Sections 657.006, 657.007, 657.008, 657.009, and
19 657.010, Government Code, are amended to read as follows:

20 Sec. 657.006. FEDERAL LAW AND GRANTS. To the extent that
21 this chapter conflicts with federal law or a limitation provided by
22 a federal grant to a state agency [~~public entity~~], this chapter
23 shall be construed to operate in harmony with the federal law or
24 limitation of the federal grant.

25 Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN
26 WORKFORCE. (a) An individual entitled to a hiring preference under
27 this chapter is also entitled to a preference in retaining

1 employment if the state agency [~~public entity~~] that employs the
2 individual reduces its workforce.

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

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

10 (1) the percentage of the total number of employees
11 hired by the agency [~~entity~~] during the reporting period who are
12 persons entitled to a preference under this chapter;

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

16 (3) the number of complaints filed with the governing
17 body of the agency [~~entity~~] under Section 657.010 during that
18 quarter and the number of those complaints resolved by the
19 governing body.

20 (b) Not later than December 1 of each year, the [~~The~~]
21 comptroller shall file [~~annually~~] with the legislature a report
22 that compiles and analyzes information that the comptroller
23 receives from state agencies [~~public entities~~] under Subsection
24 (a).

25 Sec. 657.009. STATE AGENCIES [~~PUBLIC ENTITIES~~] TO LIST
26 POSITIONS WITH TEXAS WORKFORCE COMMISSION. (a) A state agency
27 [~~public entity~~] shall provide to the Texas Workforce Commission,

1 under rules adopted under this section by the commission,
2 information regarding an open position that is subject to the
3 hiring preference required by this chapter.

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

7 (c) To promote the purposes of this chapter, the Texas
8 Workforce Commission shall adopt rules under this section that
9 facilitate the exchange of employment information between state
10 agencies [~~public entities~~] and individuals entitled to a preference
11 under this chapter.

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

14 Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF
15 STATE AGENCY [~~PUBLIC ENTITY OR PUBLIC WORK~~]. (a) An individual
16 entitled to a veteran's employment preference under this chapter
17 who is aggrieved by a decision of a state agency [~~public entity or~~
18 ~~public work of this state~~] to which this chapter applies relating to
19 hiring the individual, or relating to retaining the individual if
20 the state agency [~~entity or work~~] reduces its workforce, may appeal
21 the decision by filing a written complaint with the governing body
22 of the state agency [~~public entity or public work~~] under this
23 section.

24 (b) The governing body of a state agency [~~public entity or~~
25 ~~public work~~] that receives a written complaint under Subsection (a)
26 shall respond to the complaint not later than the 15th business day
27 after the date the governing body receives the complaint. The

1 governing body may render a different hiring decision than the
2 decision that is the subject of the complaint if the governing body
3 determines that the veteran's preference was not applied.

4 SECTION 8. Section 122.002, Human Resources Code, is
5 amended by amending Subdivisions (3) and (5) and adding Subdivision
6 (6) to read as follows:

7 (3) "Community rehabilitation program" means a
8 government or nonprofit private program or a service-disabled
9 veteran-owned business that is operated under criteria established
10 by the council and under which persons with severe disabilities or
11 service-disabled veterans produce products or perform services for
12 compensation.

13 (5) "Disability" means a mental or physical
14 impairment, including blindness, that impedes a person who is
15 seeking, entering, or maintaining gainful employment. The term
16 includes a disability of a service-disabled veteran.

17 (6) "Service-disabled veteran" has the meaning
18 assigned by Section 2155.444(c), Government Code.

19 SECTION 9. Section 302.0031, Labor Code, is amended by
20 amending Subsection (b) and adding Subsection (g) to read as
21 follows:

22 (b) The commission shall establish and administer the
23 College Credit for Heroes [~~demonstration~~] program to identify,
24 develop, and support methods to maximize academic or workforce
25 education credit awarded by institutions of higher education to
26 veterans and military servicemembers for military experience,
27 education, and training obtained during military service in order

1 to expedite the entry of veterans and military servicemembers into
2 the workforce.

3 (g) Not later than November 1 of each year, the commission,
4 after consultation with the Texas Higher Education Coordinating
5 Board, shall report to the legislature and the governor on:

6 (1) the results of any grants awarded under this
7 section;

8 (2) the best practices for veterans and military
9 servicemembers to achieve maximum academic or workforce education
10 credit at institutions of higher education for military experience,
11 education, and training obtained during military service;

12 (3) measures needed to facilitate the award of
13 academic or workforce education credit by institutions of higher
14 education for military experience, education, and training
15 obtained during military service; and

16 (4) other related measures needed to facilitate the
17 entry of trained, qualified veterans and military servicemembers
18 into the workforce.

19 SECTION 10. The following sections are repealed:

20 (1) Sections 657.003(b) and (e), Government Code; and

21 (2) Section 657.005, Government Code.

22 SECTION 11. The changes in law made by this Act to Chapter
23 657, Government Code, apply only to an open position with a state
24 agency for which the state agency begins accepting applications on
25 or after the effective date of this Act. An open position with a
26 state agency for which the state agency begins accepting
27 applications before the effective date of this Act is governed by

1 the law in effect on the date the state agency began accepting
2 applications, and the former law is continued in effect for that
3 purpose.

4 SECTION 12. This Act takes effect September 1, 2013.