

1-1 By: Van de Putte, et al. S.B. No. 10
1-2 (In the Senate - Filed March 14, 2013; March 19, 2013, read
1-3 first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 15, 2013, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; April 15, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Van de Putte</u>	X		
1-9	<u>Birdwell</u>	X		
1-10	<u>Campbell</u>	X		
1-11	<u>Davis</u>	X		
1-12	<u>Rodriguez</u>	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to employment, higher education, and state purchasing
1-16 programs for veterans.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. This Act may be cited as the Veterans' Employment
1-19 and Business Opportunity Act.

1-20 SECTION 2. Section 657.001, Government Code, is amended to
1-21 read as follows:

1-22 Sec. 657.001. DEFINITIONS. In this chapter:

1-23 (1) "Disabled veteran" means a veteran who is
1-24 classified as disabled by the United States Department of Veterans
1-25 Affairs or its successor or the branch of the service in which the
1-26 veteran served and whose disability is service-connected.
1-27 ~~["Established service-connected disability" means a disability~~
1-28 ~~that has been or may be established by official records.]~~

1-29 (2) "State agency" means a board, commission, council,
1-30 committee, department, office, agency, or other governmental
1-31 entity in the executive, legislative, or judicial branch of state
1-32 government, including an institution of higher education as defined
1-33 by Section 61.003, Education Code.

1-34 (3) "Veteran" has the meaning assigned by Section
1-35 2308.251. ["Public entity" means a public department, commission,
1-36 board, or agency.]

1-37 SECTION 3. Section 657.002, Government Code, is amended to
1-38 read as follows:

1-39 Sec. 657.002. INDIVIDUALS QUALIFIED FOR ~~[ENTITLED TO]~~
1-40 VETERAN'S EMPLOYMENT PREFERENCE. The following individuals
1-41 qualify ~~[(a) A veteran qualifies]~~ for a veteran's employment
1-42 preference ~~[if the veteran]:~~

1-43 (1) a veteran ~~[served in the military for not less than~~
1-44 ~~90 consecutive days during a national emergency declared in~~
1-45 ~~accordance with federal law or was discharged from military service~~
1-46 ~~for an established service-connected disability];~~

1-47 (2) a ~~[was honorably discharged from military service,~~
1-48 ~~and~~

1-49 ~~[(3) is competent.~~

1-50 ~~[(b) A] veteran's surviving spouse who has not remarried, if~~
1-51 ~~the veteran was killed while on active duty; and~~

1-52 (3) ~~[or] an orphan of a veteran [qualifies for a~~
1-53 ~~veteran's employment preference] if~~ ~~[+~~

1-54 ~~[(1)] the veteran was killed while on active duty~~ ~~[+~~

1-55 ~~[(2) the veteran served in the military for not less~~
1-56 ~~than 90 consecutive days during a national emergency declared in~~
1-57 ~~accordance with federal law; and~~

1-58 ~~[(3) the spouse or orphan is competent].~~

1-59 ~~[(c) In this section, "veteran" means an individual who~~
1-60 ~~served in the army, navy, air force, marine corps, or coast guard of~~
1-61 ~~the United States or in an auxiliary service of one of those~~

2-1 ~~branches of the armed forces.]~~

2-2 SECTION 4. Subsections (a), (c), and (d), Section 657.003,
2-3 Government Code, are amended to read as follows:

2-4 (a) An individual who qualifies for a veteran's employment
2-5 preference is entitled to a preference in employment with or
2-6 appointment to a state agency ~~[public entity or for a public work of~~
2-7 ~~this state]~~ over other applicants for the same position ~~[who do not~~
2-8 ~~have a greater qualification].~~

2-9 (c) If a state agency ~~[public entity or public work of this~~
2-10 ~~state]~~ requires a competitive examination under a merit system or
2-11 civil service plan for selecting or promoting employees, an
2-12 individual entitled to a veteran's employment preference who
2-13 otherwise is qualified for that position and who has received at
2-14 least the minimum required score for the test is entitled to have a
2-15 service credit of 10 points added to the test score. A disabled
2-16 veteran ~~[An individual who has an established service-connected~~
2-17 ~~disability]~~ is entitled to have a service credit of five additional
2-18 points added to the individual's test score.

2-19 (d) An individual entitled to a veteran's employment
2-20 preference is not disqualified from holding a position with a state
2-21 agency ~~[public entity or public work of this state]~~ because of age
2-22 or an established service-connected disability if the age or
2-23 disability does not make the individual incompetent to perform the
2-24 duties of the position.

2-25 SECTION 5. Section 657.004, Government Code, is amended to
2-26 read as follows:

2-27 Sec. 657.004. VETERAN'S PREFERENCE REQUIRED FOR STATE
2-28 AGENCIES ~~[PUBLIC ENTITIES AND PUBLIC WORKS]~~. (a) A state agency
2-29 ~~[An individual whose duty is to appoint or employ individuals for a~~
2-30 ~~public entity or public work of this state]~~ shall give preference in
2-31 hiring to individuals entitled to a veteran's employment preference
2-32 until ~~[so that]~~ at least 40 percent of the employees of the state
2-33 agency ~~[public entity or public work]~~ are selected from individuals
2-34 given that preference.

2-35 (b) Unless an insufficient number of individuals entitled
2-36 to a veteran's employment preference apply for an open agency
2-37 position, a state agency ~~[A public entity or public work]~~ that does
2-38 not have 40 percent of its employees who are entitled to the
2-39 veteran's employment preference shall for each announced open
2-40 position at the agency interview the greater of:

2-41 (1) one individual entitled to a veteran's employment
2-42 preference; or

2-43 (2) a number of ~~[, in filling vacancies, give~~
2-44 ~~preferences to]~~ individuals entitled to a veteran's employment
2-45 preference equal to 20 percent of the total number of individuals
2-46 interviewed for the position ~~[until it does have at least 40 percent~~
2-47 ~~of its employees who are entitled to the preference].~~

2-48 (c) A state agency may designate an open position as a
2-49 veterans position and accept applications for the position only
2-50 from individuals eligible for ~~[(b) A public entity or public work~~
2-51 ~~shall, when possible, give 10 percent of]~~ the preferences granted
2-52 under this chapter.

2-53 (d) A state agency with more than 500 full-time equivalent
2-54 positions shall designate an individual from the agency to serve as
2-55 a veterans liaison within the agency ~~[to qualified veterans~~
2-56 ~~discharged from the armed services of the United States within the~~
2-57 ~~preceding 18 months].~~

2-58 ~~[(c) A public entity or public work that has at least 40~~
2-59 ~~percent of its employees who are entitled to the preference is~~
2-60 ~~exempt from the requirements of Section 657.005.]~~

2-61 SECTION 6. Chapter 657, Government Code, is amended by
2-62 adding Section 657.0045 to read as follows:

2-63 Sec. 657.0045. IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO
2-64 VETERAN'S PREFERENCE. Notwithstanding any other law, a state
2-65 agency that has not reached the employment percentage required
2-66 under Section 657.004 may hire for an open position within the
2-67 agency an individual entitled to a veteran's employment preference
2-68 under that section without announcing or advertising the position
2-69 if the agency:

3-1 (1) uses the Texas Workforce Commission's employment
 3-2 Internet website to identify an individual who qualifies for a
 3-3 veteran's employment preference under this chapter; and

3-4 (2) determines the individual meets the
 3-5 qualifications required for the position.

3-6 SECTION 7. Sections 657.006, 657.007, 657.008, 657.009, and
 3-7 657.010, Government Code, are amended to read as follows:

3-8 Sec. 657.006. FEDERAL LAW AND GRANTS. To the extent that
 3-9 this chapter conflicts with federal law or a limitation provided by
 3-10 a federal grant to a state agency [~~public entity~~], this chapter
 3-11 shall be construed to operate in harmony with the federal law or
 3-12 limitation of the federal grant.

3-13 Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN
 3-14 WORKFORCE. (a) An individual entitled to a hiring preference
 3-15 under this chapter is also entitled to a preference in retaining
 3-16 employment if the state agency [~~public entity~~] that employs the
 3-17 individual reduces its workforce.

3-18 (b) The preference granted under this section applies only
 3-19 to the extent that a reduction in workforce by an employing state
 3-20 agency [~~public entity~~] involves other employees of a similar type
 3-21 or classification.

3-22 Sec. 657.008. REPORTING REQUIREMENTS. (a) A state agency
 3-23 [~~public entity~~] shall file quarterly with the comptroller a report
 3-24 that states:

3-25 (1) the percentage of the total number of employees
 3-26 hired by the agency [~~entity~~] during the reporting period who are
 3-27 persons entitled to a preference under this chapter;

3-28 (2) the percentage of the total number of the agency's
 3-29 [~~entity's~~] employees who are persons entitled to a preference under
 3-30 this chapter; and

3-31 (3) the number of complaints filed with the governing
 3-32 body of the agency [~~entity~~] under Section 657.010 during that
 3-33 quarter and the number of those complaints resolved by the
 3-34 governing body.

3-35 (b) Not later than December 1 of each year, the [~~The~~]
 3-36 comptroller shall file [~~annually~~] with the legislature a report
 3-37 that compiles and analyzes information that the comptroller
 3-38 receives from state agencies [~~public entities~~] under Subsection
 3-39 (a).

3-40 Sec. 657.009. STATE AGENCIES [~~PUBLIC ENTITIES~~] TO LIST
 3-41 POSITIONS WITH TEXAS WORKFORCE COMMISSION. (a) A state agency
 3-42 [~~public entity~~] shall provide to the Texas Workforce Commission,
 3-43 under rules adopted under this section by the commission,
 3-44 information regarding an open position that is subject to the
 3-45 hiring preference required by this chapter.

3-46 (b) The Texas Workforce Commission shall make available to
 3-47 the public the information provided by a state agency [~~public~~
 3-48 ~~entity~~] under Subsection (a).

3-49 (c) To promote the purposes of this chapter, the Texas
 3-50 Workforce Commission shall adopt rules under this section that
 3-51 facilitate the exchange of employment information between state
 3-52 agencies [~~public entities~~] and individuals entitled to a preference
 3-53 under this chapter.

3-54 (d) The Texas Workforce Commission shall adopt forms and
 3-55 procedures necessary to administer this section.

3-56 Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF
 3-57 STATE AGENCY [~~PUBLIC ENTITY OR PUBLIC WORK~~]. (a) An individual
 3-58 entitled to a veteran's employment preference under this chapter
 3-59 who is aggrieved by a decision of a state agency [~~public entity or~~
 3-60 ~~public work of this state~~] to which this chapter applies relating to
 3-61 hiring the individual, or relating to retaining the individual if
 3-62 the state agency [~~entity or work~~] reduces its workforce, may appeal
 3-63 the decision by filing a written complaint with the governing body
 3-64 of the state agency [~~public entity or public work~~] under this
 3-65 section.

3-66 (b) The governing body of a state agency [~~public entity or~~
 3-67 ~~public work~~] that receives a written complaint under Subsection (a)
 3-68 shall respond to the complaint not later than the 15th business day
 3-69 after the date the governing body receives the complaint. The

4-1 governing body may render a different hiring decision than the
4-2 decision that is the subject of the complaint if the governing body
4-3 determines that the veteran's preference was not applied.

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

4-7 (3) "Community rehabilitation program" means a
4-8 government or nonprofit private program or a service-disabled
4-9 veteran-owned business that is operated under criteria established
4-10 by the council and under which persons with severe disabilities or
4-11 service-disabled veterans produce products or perform services for
4-12 compensation.

4-13 (5) "Disability" means a mental or physical
4-14 impairment, including blindness, that impedes a person who is
4-15 seeking, entering, or maintaining gainful employment. The term
4-16 includes a disability of a service-disabled veteran.

4-17 (6) "Service-disabled veteran" has the meaning
4-18 assigned by Section 2155.444(c), Government Code.

4-19 SECTION 9. Section 302.0031, Labor Code, is amended by
4-20 amending Subsection (b) and adding Subsection (g) to read as
4-21 follows:

4-22 (b) The commission shall establish and administer the
4-23 College Credit for Heroes [~~demonstration~~] program to identify,
4-24 develop, and support methods to maximize academic or workforce
4-25 education credit awarded by institutions of higher education to
4-26 veterans and military servicemembers for military experience,
4-27 education, and training obtained during military service in order
4-28 to expedite the entry of veterans and military servicemembers into
4-29 the workforce.

4-30 (g) Not later than November 1 of each year, the commission,
4-31 after consultation with the Texas Higher Education Coordinating
4-32 Board, shall report to the legislature and the governor on:

4-33 (1) the results of any grants awarded under this
4-34 section;

4-35 (2) the best practices for veterans and military
4-36 servicemembers to achieve maximum academic or workforce education
4-37 credit at institutions of higher education for military experience,
4-38 education, and training obtained during military service;

4-39 (3) measures needed to facilitate the award of
4-40 academic or workforce education credit by institutions of higher
4-41 education for military experience, education, and training
4-42 obtained during military service; and

4-43 (4) other related measures needed to facilitate the
4-44 entry of trained, qualified veterans and military servicemembers
4-45 into the workforce.

4-46 SECTION 10. The following sections are repealed:

4-47 (1) Subsections (b) and (e), Section 657.003,
4-48 Government Code; and

4-49 (2) Section 657.005, Government Code.

4-50 SECTION 11. The changes in law made by this Act to Chapter
4-51 657, Government Code, apply only to an open position with a state
4-52 agency for which the state agency begins accepting applications on
4-53 or after the effective date of this Act. An open position with a
4-54 state agency for which the state agency begins accepting
4-55 applications before the effective date of this Act is governed by
4-56 the law in effect on the date the state agency began accepting
4-57 applications, and the former law is continued in effect for that
4-58 purpose.

4-59 SECTION 12. This Act takes effect September 1, 2013.

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