AN ACT
relating to the employment of individuals qualified for a veteran's
employment preference.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. This Act may be cited as the Military Veterans' Full Employment Act.
SECTION 2. Chapter 657, Government Code, is amended to read as follows:

CHAPTER 657. VETERAN'S EMPLOYMENT PREFERENCES
Sec. 657.001. DEFINITIONS. In this chapter:
(1) "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. ["Established service-connected disability" means a disability that has been or may be established by official records.]
(2) "Veteran" has the meaning assigned by Section 2308.251.
(3) "Veteran with a disability" 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. ["Public entity" means a public department, commission, board, or agency.]
Sec. 657.002. INDIVIDUALS QUALIFIED FOR VETERAN’S EMPLOYMENT PREFERENCE. The following individuals qualify [if the veteran]:

(a) A veteran qualifies for a veteran’s employment preference if the veteran:

1. A veteran, including a veteran with a disability [served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged from military service for an established service-connected disability];

2. A [was honorably discharged from military service]; and

3. [is competent.]

(b) A veteran’s surviving spouse who has not remarried; and

3. [an orphan of a veteran [qualifies for a veteran's employment preference] if:

4. [the veteran was killed while on active duty];

5. [the veteran served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law]; and

6. [the spouse or orphan is competent].

(c) In this section, "veteran" means an individual who served in the army, navy, air force, marine corps, or coast guard of the United States or in an auxiliary service of one of those branches of the armed forces.]

Sec. 657.003. VETERAN’S EMPLOYMENT PREFERENCE. (a) An individual who qualifies for a veteran's employment preference is
entitled to a preference in employment with or appointment to a state agency [public entity or for a public work of this state] over other applicants for the same position who do not have a greater qualification.

(b) A state agency shall provide to an individual [An individual who has an established service-connected disability and is] entitled to a veteran's employment preference [is entitled to preference] for employment or appointment [in a position for which a competitive examination is not held] over [all] other applicants for the same position [without a service-connected disability and] who do not have a greater qualification a veteran's employment preference, in the following order of priority:

(1) a veteran with a disability;
(2) a veteran;
(3) a veteran's surviving spouse who has not remarried; and
(4) an orphan of a veteran if the veteran was killed while on active duty.

(c) If a state agency [public entity or public work of this state] requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a veteran's employment preference 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. A veteran with a disability [An individual who has an established service-connected disability] is entitled to have a service credit...
of five additional points added to the individual's test score.

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

[(e) This chapter does not apply to:]

[(1) the position of private secretary or deputy of an official or department; or]

[(2) a person holding a strictly confidential relation to the appointing or employing officer.]

Sec. 657.004. VETERAN EMPLOYMENT GOAL [PREFERENCE REQUIRED] FOR STATE AGENCIES [PUBLIC ENTITIES AND PUBLIC WORKS].

(a) Each state agency shall establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least 20 [An individual whose duty is to appoint or employ individuals for a public entity or public work of this state shall give preference in hiring to individuals entitled to a veteran's employment preference so that at least 40] percent of the total number of employees of the state agency [public entity or public work are selected from individuals given that preference. A public entity or public work that does not have 40 percent of its employees who are entitled to the preference shall, in filling vacancies, give preferences to individuals entitled to a veteran's employment preference until it does have at least 40 percent of its employees who are entitled to the preference].
(b) A state agency may establish a veteran employment goal that is greater than the percentage required under Subsection (a) [A public entity or public work shall, when possible, give 10 percent of the preferences granted under this chapter to qualified veterans discharged from the armed services of the United States within the preceding 18 months.]

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

Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO VETERAN’S EMPLOYMENT PREFERENCE. (a) A state agency may designate an open position as a veteran’s position and only accept applications for that position from individuals who are entitled to a veteran's employment preference under Section 657.003.

(b) Notwithstanding any other law, a state agency may hire or appoint for an open position within the agency an individual entitled to a veteran's employment preference under Section 657.003 without announcing or advertising the position if the agency:

(1) uses the automated labor exchange system administered by the Texas Workforce Commission to identify an individual who qualifies for a veteran's employment preference under this chapter; and

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

Sec. 657.0046. STATE AGENCY VETERAN’S LIAISON. (a) Each state agency that has at least 500 full-time equivalent positions
shall designate an individual from the agency to serve as a veteran's liaison.

(b) A state agency that has fewer than 500 full-time equivalent positions may designate an individual from the agency to serve as a veteran's liaison.

(c) Each state agency that designates a veteran's liaison shall make available on the agency's Internet website the liaison's individual work contact information.

Sec. 657.0047. INTERVIEWS AT STATE AGENCIES. (a) For each announced open position at a state agency, the state agency shall interview:

(1) if the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a veteran's employment preference under Section 657.003; or

(2) if the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a veteran's employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed.

(b) A state agency that does not receive any applications from individuals who qualify for a veteran's employment preference under Section 657.003 is not required to comply with Subsection (a).

Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The individual whose duty is to appoint or employ an applicant for a position with a [public entity or public work of this] state agency or an officer or the chief administrator of the agency [entity or work] who receives an application for appointment or employment by
an individual entitled to a veteran's employment preference, before
appointing or employing any individual, shall investigate the
qualifications of the applicant for the position. [If the
applicant is of good moral character and can perform the duties of
the position, the officer, chief executive, or individual whose
duty is to appoint or employ shall appoint or employ the applicant
for the position.]

(b) An applicant who is a veteran with a disability shall furnish the official records
to the individual whose duty is to fill the position.

Sec. 657.006. 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. 657.007. 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. 657.008. REPORTING REQUIREMENTS. (a) A state agency
shall file quarterly with the comptroller a report
that states:
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(1) the percentage of the total number of employees hired or appointed by the agency [entity] during the reporting period who are persons entitled to a preference under this chapter;

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

(3) the number of complaints filed with the executive director [governing body] of the agency [entity] under Section 657.010 during that quarter and the number of those complaints resolved by the executive director [governing body].

(b) The comptroller shall make each quarterly report filed under Subsection (a) available to the public on the comptroller's Internet website.

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

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

(b) The Texas Workforce Commission shall make available to the public the information provided by a state agency [public entity] under Subsection (a).
(c) To promote the purposes of this chapter, the Texas Workforce Commission shall adopt rules under this section that facilitate the exchange of employment information between state agencies [public entities] and individuals entitled to a preference under this chapter.

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

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

(b) The executive director [governing body] of a state agency [public entity or public work] that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the executive director [governing body] receives the complaint. The executive director [governing body] may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director [governing body] determines that the veteran's preference was not applied.

SECTION 3. Subtitle A, Title 2, Labor Code, is amended by
adding Chapter 23 to read as follows:

CHAPTER 23. VOLUNTARY VETERAN'S EMPLOYMENT PREFERENCE FOR PRIVATE EMPLOYERS

Sec. 23.001. DEFINITION. In this chapter, "veteran" means an individual who:

(1) has served on active duty in the armed forces of the United States; and

(2) was honorably discharged from military service.

Sec. 23.002. VOLUNTARY PREFERENCE POLICY. (a) A private employer may adopt a policy under which the employer may give a preference in employment decisions regarding hiring, promotion, or retention to a veteran over another qualified applicant or employee.

(b) A policy adopted under this section must be in writing.

Sec. 23.003. APPLICATION OF POLICY. (a) An employer shall apply any policy adopted under this chapter reasonably and in good faith in employment decisions regarding hiring, promotion, or retention during a reduction in the employer's workforce.

(b) An employer may require appropriate documentation from a veteran for the veteran to be eligible for the preference under a policy adopted under this chapter.

(c) Granting a preference in accordance with a policy adopted under this chapter does not violate Chapter 21.

SECTION 4. (a) The changes in law made by this Act to Chapter 657, Government Code, apply only to an open position with a state agency for which the state agency begins accepting applications on or after the effective date of this Act. An open
position with a state agency for which the state agency begins
accepting applications before the effective date of this Act is
governed by the law in effect on the date the state agency began
accepting applications, and the former law is continued in effect
for that purpose.

(b) Chapter 23, Labor Code, as added by this Act, applies
only to an employment decision made on or after the effective date
of this Act. An employment decision made before the effective date
of this Act is governed by the law in effect on the date the decision
was made, and the former law is continued in effect for that
purpose.

SECTION 5. This Act takes effect September 1, 2015.
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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 805 passed the Senate on March 30, 2015, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 19, 2015, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 805 passed the House, with amendments, on May 12, 2015, by the following vote: Yeas 134, Nays 11, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor