

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.~~]

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

5 (1) a veteran, including a veteran with a disability
6 [~~served in the military for not less than 90 consecutive days during~~
7 ~~a national emergency declared in accordance with federal law or was~~
8 ~~discharged from military service for an established~~
9 ~~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;
14 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 Sec. 657.003. VETERAN'S EMPLOYMENT PREFERENCE. (a) An
27 individual who qualifies for a veteran's employment preference is

1 entitled to a preference in employment with or appointment to a
2 state agency [~~public entity or for a public work of this state~~] over
3 other applicants for the same position who do not have a greater
4 qualification.

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

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

19 (c) If a state agency [~~public entity or public work of this~~
20 ~~state~~] requires a competitive examination under a merit system or
21 civil service plan for selecting or promoting employees, an
22 individual entitled to a veteran's employment preference who
23 otherwise is qualified for that position and who has received at
24 least the minimum required score for the test is entitled to have a
25 service credit of 10 points added to the test score. A veteran with
26 a disability [~~An individual who has an established~~
27 ~~service-connected disability~~] is entitled to have a service credit

1 of five additional points added to the individual's test score.

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

8 [~~(c) This chapter does not apply to:~~

9 [~~(1) the position of private secretary or deputy of an~~
10 ~~official or department; or~~

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

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

15 (a) Each state agency shall establish a goal of hiring, in
16 full-time positions at the agency, a number of veterans equal to at
17 least 20 [~~An individual whose duty is to appoint or employ~~
18 ~~individuals for a public entity or public work of this state shall~~
19 ~~give preference in hiring to individuals entitled to a veteran's~~
20 ~~employment preference so that at least 40] percent of the total~~

21 number of employees of the state agency [~~public entity or public~~
22 ~~work are selected from individuals given that preference. A public~~
23 ~~entity or public work that does not have 40 percent of its employees~~
24 ~~who are entitled to the preference shall, in filling vacancies,~~
25 ~~give preferences to individuals entitled to a veteran's employment~~
26 ~~preference until it does have at least 40 percent of its employees~~
27 ~~who are entitled to the preference].~~

1 (b) A state agency may establish a veteran employment goal
2 that is greater than the percentage required under Subsection (a)
3 ~~[A public entity or public work shall, when possible, give 10~~
4 ~~percent of the preferences granted under this chapter to qualified~~
5 ~~veterans discharged from the armed services of the United States~~
6 ~~within the preceding 18 months.~~

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

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

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

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

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

26 Sec. 657.0046. STATE AGENCY VETERAN'S LIAISON. (a) Each
27 state agency that has at least 500 full-time equivalent positions

1 shall designate an individual from the agency to serve as a
2 veteran's liaison.

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

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

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

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

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

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

23 Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The
24 individual whose duty is to appoint or employ an applicant for a
25 position with a [~~public entity or public work of this~~] state agency
26 or an officer or the chief administrator of the agency [~~entity or~~
27 ~~work~~] who receives an application for appointment or employment by

1 an individual entitled to a veteran's employment preference, before
2 appointing or employing any individual, shall investigate the
3 qualifications of the applicant for the position. [~~If the~~
4 ~~applicant is of good moral character and can perform the duties of~~
5 ~~the position, the officer, chief executive, or individual whose~~
6 ~~duty is to appoint or employ shall appoint or employ the applicant~~
7 ~~for the position.~~]

8 (b) An applicant who is a veteran with a [~~an established~~
9 ~~service-connected~~] disability shall furnish the official records
10 to the individual whose duty is to fill the position.

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

16 Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN
17 WORKFORCE. (a) An individual entitled to a hiring or appointment
18 preference under this chapter is also entitled to a preference in
19 retaining employment if the state agency [~~public entity~~] that
20 employs or appoints the individual reduces its workforce.

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

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

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

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

7 (3) the number of complaints filed with the executive
8 director [~~governing body~~] of the agency [~~entity~~] under Section
9 657.010 during that quarter and the number of those complaints
10 resolved by the executive director [~~governing body~~].

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

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

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

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

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

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

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

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

27 SECTION 3. Subtitle A, Title 2, Labor Code, is amended by

1 adding Chapter 23 to read as follows:

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

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

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

8 (2) was honorably discharged from military service.

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

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

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

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

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

24 SECTION 4. (a) The changes in law made by this Act to
25 Chapter 657, Government Code, apply only to an open position with a
26 state agency for which the state agency begins accepting
27 applications on or after the effective date of this Act. An open

1 position with a state agency for which the state agency begins
2 accepting applications before the effective date of this Act is
3 governed by the law in effect on the date the state agency began
4 accepting applications, and the former law is continued in effect
5 for that purpose.

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

12 SECTION 5. This Act takes effect September 1, 2015.

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