

By: Campbell, et al.  
(Raney, Guillen)

S.B. No. 805

Substitute the following for S.B. No. 805:

By: Rodriguez of Travis

C.S.S.B. No. 805

A BILL TO BE ENTITLED

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 [~~(e) 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 [~~An individual whose duty is to appoint or employ individuals~~  
18 ~~for a public entity or public work of this state shall give~~  
19 ~~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. 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 Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The  
20 individual whose duty is to appoint or employ an applicant for a  
21 position with a [~~public entity or public work of this~~] state agency  
22 or an officer or the chief administrator of the agency [~~entity or~~  
23 ~~work~~] who receives an application for appointment or employment by  
24 an individual entitled to a veteran's employment preference, before  
25 appointing or employing any individual, shall investigate the  
26 qualifications of the applicant for the position. [~~If the~~  
27 ~~applicant is of good moral character and can perform the duties of~~

1 ~~the position, the officer, chief executive, or individual whose~~  
2 ~~duty is to appoint or employ shall appoint or employ the applicant~~  
3 ~~for the position.]~~

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

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

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

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

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

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

27 (2) the percentage of the total number of the agency's

1 ~~[entity's]~~ employees who are persons entitled to a preference under  
2 this chapter; and

3 (3) the number of complaints filed with the executive  
4 director ~~[governing body]~~ of the agency ~~[entity]~~ under Section  
5 657.010 during that quarter and the number of those complaints  
6 resolved by the executive director ~~[governing body]~~.

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

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

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

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

24 (c) To promote the purposes of this chapter, the Texas  
25 Workforce Commission shall adopt rules under this section that  
26 facilitate the exchange of employment information between state  
27 agencies ~~[public entities]~~ and individuals entitled to a preference



1 under this chapter.

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

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

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

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

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

27 Sec. 23.001. DEFINITION. In this chapter, "veteran" means

1 an individual who:

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

4 (2) was honorably discharged from military service.

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

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

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

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

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

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

1 for that purpose.

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

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