

1-1 By: Campbell S.B. No. 805
1-2 (In the Senate - Filed February 26, 2015; March 3, 2015,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; March 16, 2015, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; March 16, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Campbell	X		
1-9	Burton	X		
1-10	Birdwell	X		
1-11	Garcia	X		
1-12	Hall	X		
1-13	Lucio	X		
1-14	Rodríguez	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the employment of individuals qualified for a veteran's
1-18 employment preference.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. This Act may be cited as the Military Veterans'
1-21 Full Employment Act.

1-22 SECTION 2. Chapter 657, Government Code, is amended to read
1-23 as follows:

1-24 CHAPTER 657. VETERAN'S EMPLOYMENT PREFERENCES

1-25 Sec. 657.001. DEFINITIONS. In this chapter:

1-26 (1) "State agency" means a board, commission, council,
1-27 committee, department, office, agency, or other governmental
1-28 entity in the executive, legislative, or judicial branch of state
1-29 government, including an institution of higher education as defined
1-30 by Section 61.003, Education Code. [~~"Established service-connected~~
1-31 ~~disability" means a disability that has been or may be established~~
1-32 ~~by official records.]~~

1-33 (2) "Veteran" has the meaning assigned by Section
1-34 2308.251.

1-35 (3) "Veteran with a disability" means a veteran who is
1-36 classified as disabled by the United States Department of Veterans
1-37 Affairs or its successor or the branch of the service in which the
1-38 veteran served and whose disability is service-connected. ["Public
1-39 entity" means a public department, commission, board, or agency.]

1-40 Sec. 657.002. INDIVIDUALS QUALIFIED FOR [~~ENTITLED TO~~]
1-41 VETERAN'S EMPLOYMENT PREFERENCE. The following individuals
1-42 qualify [~~(a) A veteran qualifies~~] for a veteran's employment
1-43 preference [~~if the veteran~~]:

1-44 (1) a veteran, including a veteran with a disability
1-45 [~~served in the military for not less than 90 consecutive days during~~
1-46 ~~a national emergency declared in accordance with federal law or was~~
1-47 ~~discharged from military service for an established~~
1-48 ~~service-connected disability];~~

1-49 (2) a [~~was honorably discharged from military service,~~
1-50 ~~and~~

1-51 [~~(3) is competent.~~

1-52 [~~(b) A~~] veteran's surviving spouse who has not remarried;
1-53 and

1-54 (3) [~~or~~] an orphan of a veteran [~~qualifies for a~~
1-55 ~~veteran's employment preference] if [+~~

1-56 [(1)] the veteran was killed while on active duty [+

1-57 [(2)] the veteran served in the military for not less
1-58 than 90 consecutive days during a national emergency declared in
1-59 accordance with federal law; and

1-60 [(3)] the spouse or orphan is competent].

1-61 [(c) In this section, "veteran" means an individual who

2-1 ~~served in the army, navy, air force, marine corps, or coast guard of~~
 2-2 ~~the United States or in an auxiliary service of one of those~~
 2-3 ~~branches of the armed forces.]~~

2-4 Sec. 657.003. VETERAN'S EMPLOYMENT PREFERENCE. (a) An
 2-5 individual who qualifies for a veteran's employment preference is
 2-6 entitled to a preference in employment with or appointment to a
 2-7 state agency [~~public entity or for a public work of this state~~] over
 2-8 other applicants for the same position who do not have a greater
 2-9 qualification.

2-10 (b) A state agency shall provide to an individual [~~An~~
 2-11 ~~individual who has an established service-connected disability and~~
 2-12 ~~is~~] entitled to a veteran's employment preference [~~is entitled to~~
 2-13 ~~preference~~] for employment or appointment [~~in a position for which~~
 2-14 ~~a competitive examination is not held~~] over [~~all~~] other applicants
 2-15 for the same position [~~without a service-connected disability and~~]
 2-16 who do not have a greater qualification a veteran's employment
 2-17 preference, in the following order of priority:

2-18 (1) a veteran with a disability;

2-19 (2) a veteran;

2-20 (3) a veteran's surviving spouse who has not
 2-21 remarried; and

2-22 (4) an orphan of a veteran if the veteran was killed
 2-23 while on active duty.

2-24 (c) If a state agency [~~public entity or public work of this~~
 2-25 ~~state~~] requires a competitive examination under a merit system or
 2-26 civil service plan for selecting or promoting employees, an
 2-27 individual entitled to a veteran's employment preference who
 2-28 otherwise is qualified for that position and who has received at
 2-29 least the minimum required score for the test is entitled to have a
 2-30 service credit of 10 points added to the test score. A veteran with
 2-31 a disability [~~An individual who has an established~~
 2-32 ~~service-connected disability~~] is entitled to have a service credit
 2-33 of five additional points added to the individual's test score.

2-34 (d) An individual entitled to a veteran's employment
 2-35 preference is not disqualified from holding a position with a state
 2-36 agency [~~public entity or public work of this state~~] because of age
 2-37 or an established service-connected disability if the age or
 2-38 disability does not make the individual incompetent to perform the
 2-39 duties of the position.

2-40 [~~(e) This chapter does not apply to:~~

2-41 [~~(1) the position of private secretary or deputy of an~~
 2-42 ~~official or department; or~~

2-43 [~~(2) a person holding a strictly confidential relation~~
 2-44 ~~to the appointing or employing officer.]~~

2-45 Sec. 657.004. VETERAN EMPLOYMENT GOAL [PREFERENCE
 2-46 REQUIRED] FOR STATE AGENCIES [PUBLIC ENTITIES AND PUBLIC WORKS].

2-47 (a) Each state agency shall establish a goal of hiring, in
 2-48 full-time positions at the agency, a number of veterans equal to at
 2-49 least [~~An individual whose duty is to appoint or employ individuals~~
 2-50 ~~for a public entity or public work of this state shall give~~
 2-51 ~~preference in hiring to individuals entitled to a veteran's~~
 2-52 ~~employment preference so that at least~~] 40 percent of the total
 2-53 number of employees of the state agency [~~public entity or public~~
 2-54 ~~work are selected from individuals given that preference. A public~~
 2-55 ~~entity or public work that does not have 40 percent of its employees~~
 2-56 ~~who are entitled to the preference shall, in filling vacancies,~~
 2-57 ~~give preferences to individuals entitled to a veteran's employment~~
 2-58 ~~preference until it does have at least 40 percent of its employees~~
 2-59 ~~who are entitled to the preference].~~

2-60 (b) A state agency may establish a veteran employment goal
 2-61 that is greater than the percentage required under Subsection (a)
 2-62 [~~A public entity or public work shall, when possible, give 10~~
 2-63 ~~percent of the preferences granted under this chapter to qualified~~
 2-64 ~~veterans discharged from the armed services of the United States~~
 2-65 ~~within the preceding 18 months.~~

2-66 [~~(c) A public entity or public work that has at least 40~~
 2-67 ~~percent of its employees who are entitled to the preference is~~
 2-68 ~~exempt from the requirements of Section 657.005].~~

2-69 Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND

3-1 IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO VETERAN'S EMPLOYMENT
 3-2 PREFERENCE. (a) A state agency may designate an open position as a
 3-3 veteran's position and only accept applications for that position
 3-4 from individuals who are entitled to a veteran's employment
 3-5 preference under Section 657.003.

3-6 (b) Notwithstanding any other law, a state agency may hire
 3-7 or appoint for an open position within the agency an individual
 3-8 entitled to a veteran's employment preference under Section 657.003
 3-9 without announcing or advertising the position if the agency:

3-10 (1) uses the automated labor exchange system
 3-11 administered by the Texas Workforce Commission to identify an
 3-12 individual who qualifies for a veteran's employment preference
 3-13 under this chapter; and

3-14 (2) determines the individual meets the
 3-15 qualifications required for the position.

3-16 Sec. 657.0046. STATE AGENCY VETERAN'S LIAISON. (a) Each
 3-17 state agency that has at least 500 full-time equivalent positions
 3-18 shall designate an individual from the agency to serve as a
 3-19 veteran's liaison.

3-20 (b) A state agency that has fewer than 500 full-time
 3-21 equivalent positions may designate an individual from the agency to
 3-22 serve as a veteran's liaison.

3-23 (c) Each state agency that designates a veteran's liaison
 3-24 shall make available on the agency's Internet website the liaison's
 3-25 individual work contact information.

3-26 Sec. 657.0047. INTERVIEWS AT STATE AGENCIES. For each
 3-27 announced open position at a state agency, the state agency shall
 3-28 interview:

3-29 (1) if the total number of individuals interviewed for
 3-30 the position is six or fewer, at least one individual qualified for
 3-31 a veteran's employment preference under Section 657.003; or

3-32 (2) if the total number of individuals interviewed for
 3-33 the position is more than six, a number of individuals qualified for
 3-34 a veteran's employment preference under Section 657.003 equal to at
 3-35 least 20 percent of the total number interviewed.

3-36 Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The
 3-37 individual whose duty is to appoint or employ an applicant for a
 3-38 position with a [~~public entity or public work of this~~] state agency
 3-39 or an officer or the chief administrator of the agency [~~entity or~~
 3-40 ~~work~~] who receives an application for appointment or employment by
 3-41 an individual entitled to a veteran's employment preference, before
 3-42 appointing or employing any individual, shall investigate the
 3-43 qualifications of the applicant for the position. [~~If the~~
 3-44 ~~applicant is of good moral character and can perform the duties of~~
 3-45 ~~the position, the officer, chief executive, or individual whose~~
 3-46 ~~duty is to appoint or employ shall appoint or employ the applicant~~
 3-47 ~~for the position.]~~

3-48 (b) An applicant who is a veteran with a [~~an established~~
 3-49 ~~service-connected~~] disability shall furnish the official records
 3-50 to the individual whose duty is to fill the position.

3-51 Sec. 657.006. FEDERAL LAW AND GRANTS. To the extent that
 3-52 this chapter conflicts with federal law or a limitation provided by
 3-53 a federal grant to a state agency [~~public entity~~], this chapter
 3-54 shall be construed to operate in harmony with the federal law or
 3-55 limitation of the federal grant.

3-56 Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN
 3-57 WORKFORCE. (a) An individual entitled to a hiring or appointment
 3-58 preference under this chapter is also entitled to a preference in
 3-59 retaining employment if the state agency [~~public entity~~] that
 3-60 employs or appoints the individual reduces its workforce.

3-61 (b) The preference granted under this section applies only
 3-62 to the extent that a reduction in workforce by an employing state
 3-63 agency [~~public entity~~] involves other employees of a similar type
 3-64 or classification.

3-65 Sec. 657.008. REPORTING REQUIREMENTS. (a) A state agency
 3-66 [~~public entity~~] shall file quarterly with the comptroller a report
 3-67 that states:

3-68 (1) the percentage of the total number of employees
 3-69 hired or appointed by the agency [~~entity~~] during the reporting

4-1 period who are persons entitled to a preference under this chapter;
 4-2 (2) the percentage of the total number of the agency's
 4-3 ~~[entity's]~~ employees who are persons entitled to a preference under
 4-4 this chapter; and

4-5 (3) the number of complaints filed with the executive
 4-6 director ~~[governing body]~~ of the agency ~~[entity]~~ under Section
 4-7 657.010 during that quarter and the number of those complaints
 4-8 resolved by the executive director ~~[governing body]~~.

4-9 (b) The comptroller shall make each quarterly report filed
 4-10 under Subsection (a) available to the public on the comptroller's
 4-11 Internet website.

4-12 (c) Not later than December 1 of each year, the ~~[The]~~
 4-13 comptroller shall file ~~[annually]~~ with the legislature a report
 4-14 that compiles and analyzes information that the comptroller
 4-15 receives from state agencies ~~[public entities]~~ under Subsection
 4-16 (a).

4-17 Sec. 657.009. STATE AGENCIES ~~[PUBLIC ENTITIES]~~ TO LIST
 4-18 POSITIONS WITH TEXAS WORKFORCE COMMISSION. (a) A state agency
 4-19 ~~[public entity]~~ shall provide to the Texas Workforce Commission,
 4-20 under rules adopted under this section by the commission,
 4-21 information regarding an open position that is subject to the
 4-22 hiring or appointment preference required by this chapter.

4-23 (b) The Texas Workforce Commission shall make available to
 4-24 the public the information provided by a state agency ~~[public~~
 4-25 ~~entity]~~ under Subsection (a).

4-26 (c) To promote the purposes of this chapter, the Texas
 4-27 Workforce Commission shall adopt rules under this section that
 4-28 facilitate the exchange of employment information between state
 4-29 agencies ~~[public entities]~~ and individuals entitled to a preference
 4-30 under this chapter.

4-31 (d) The Texas Workforce Commission shall adopt forms and
 4-32 procedures necessary to administer this section.

4-33 Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF
 4-34 STATE AGENCY ~~[PUBLIC ENTITY OR PUBLIC WORK]~~. (a) An individual
 4-35 entitled to a veteran's employment preference under this chapter
 4-36 who is aggrieved by a decision of a state agency ~~[public entity or~~
 4-37 ~~public work of this state]~~ to which this chapter applies relating to
 4-38 hiring or appointing the individual, or relating to retaining the
 4-39 individual if the state agency ~~[entity or work]~~ reduces its
 4-40 workforce, may appeal the decision by filing a written complaint
 4-41 with the executive director ~~[governing body]~~ of the state agency
 4-42 ~~[public entity or public work]~~ under this section.

4-43 (b) The executive director ~~[governing body]~~ of a state
 4-44 agency ~~[public entity or public work]~~ that receives a written
 4-45 complaint under Subsection (a) shall respond to the complaint not
 4-46 later than the 15th business day after the date the executive
 4-47 director ~~[governing body]~~ receives the complaint. The executive
 4-48 director ~~[governing body]~~ may render a different hiring or
 4-49 appointment decision than the decision that is the subject of the
 4-50 complaint if the executive director ~~[governing body]~~ determines
 4-51 that the veteran's preference was not applied.

4-52 SECTION 3. The changes in law made by this Act to Chapter
 4-53 657, Government Code, apply only to an open position with a state
 4-54 agency for which the state agency begins accepting applications on
 4-55 or after the effective date of this Act. An open position with a
 4-56 state agency for which the state agency begins accepting
 4-57 applications before the effective date of this Act is governed by
 4-58 the law in effect on the date the state agency began accepting
 4-59 applications, and the former law is continued in effect for that
 4-60 purpose.

4-61 SECTION 4. This Act takes effect September 1, 2015.

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