

By: Wilson

H.B. No. 5229

A BILL TO BE ENTITLED

AN ACT

relating to an employment preference for members of the military and their spouses for positions at state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 656.027, Government Code, is amended to read as follows:

Sec. 656.027. MILITARY EMPLOYMENT PREFERENCE [~~FOR VETERANS~~] ON STATE EMPLOYMENT FORMS. The commission shall include on all forms relating to state agency employment that are prescribed by the commission under this subchapter or other law a statement regarding the requirement prescribed by Chapter 657 that each state agency give a military [~~veterans~~] employment preference until the agency workforce is composed of at least 20 [~~40~~] percent individuals who qualify for a military employment preference under Section 657.002 [~~veterans~~].

SECTION 2. The heading to Chapter 657, Government Code, is amended to read as follows:

CHAPTER 657. MILITARY [~~VETERAN'S~~] EMPLOYMENT PREFERENCES

SECTION 3. Section 657.002, Government Code, is amended to read as follows:

Sec. 657.002. INDIVIDUALS QUALIFIED FOR MILITARY [~~VETERAN'S~~] EMPLOYMENT PREFERENCE. The following individuals qualify for a military [~~veteran's~~] employment preference:

- (1) a veteran, including a veteran with a disability;

1 (2) a veteran's surviving spouse who has not
2 remarried; ~~and~~

3 (3) an orphan of a veteran if the veteran was killed
4 while on active duty; and

5 (4) the spouse of a member of the United States armed
6 forces or Texas National Guard serving on active duty.

7 SECTION 4. Section 657.003, Government Code, is amended to
8 read as follows:

9 Sec. 657.003. MILITARY ~~[VETERAN'S]~~ EMPLOYMENT PREFERENCE.

10 (a) An individual who qualifies for a military ~~[veteran's]~~
11 employment preference is entitled to a preference in employment
12 with or appointment to a state agency over other applicants for the
13 same position who do not have a greater qualification.

14 (b) A state agency shall provide to an individual entitled
15 to a military ~~[veteran's]~~ employment preference for employment or
16 appointment over other applicants for the same position who do not
17 have a greater qualification a military ~~[veteran's]~~ employment
18 preference, in the following order of priority:

19 (1) a veteran with a disability;

20 (2) a veteran;

21 (3) a spouse of a member of the United States armed
22 forces or Texas National Guard serving on active duty as described
23 by Section 657.002(4);

24 (4) a veteran's surviving spouse who has not
25 remarried; and

26 (5) ~~[(4)]~~ an orphan of a veteran if the veteran was
27 killed while on active duty.

1 (c) If a state agency requires a competitive examination
2 under a merit system or civil service plan for selecting or
3 promoting employees, an individual entitled to a military
4 [~~veteran's~~] employment preference who otherwise is qualified for
5 that position and who has received at least the minimum required
6 score for the test is entitled to have a service credit of 10 points
7 added to the test score. A veteran with a disability is entitled to
8 have a service credit of five additional points added to the
9 individual's test score.

10 (d) An individual entitled to a military [~~veteran's~~]
11 employment preference is not disqualified from holding a position
12 with a state agency because of age or an established
13 service-connected disability if the age or disability does not make
14 the individual incompetent to perform the duties of the position.

15 SECTION 5. Section [657.0045](#), Government Code, is amended to
16 read as follows:

17 Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND
18 IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO MILITARY [~~VETERAN'S~~]
19 EMPLOYMENT PREFERENCE. (a) A state agency may designate an open
20 position as a military preference [~~veteran's~~] position and only
21 accept applications for that position from individuals who are
22 entitled to a military [~~veteran's~~] employment preference under
23 Section [657.003](#).

24 (b) Notwithstanding any other law, a state agency may hire
25 or appoint for an open position within the agency an individual
26 entitled to a military [~~veteran's~~] employment preference under
27 Section [657.003](#) without announcing or advertising the position if

1 the agency:

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

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

8 SECTION 6. Section 657.0046, Government Code, is amended to
9 read as follows:

10 Sec. 657.0046. STATE AGENCY [~~VETERAN'S~~] LIAISON FOR
11 VETERANS, MILITARY MEMBERS, AND THEIR DEPENDENTS. (a) Each state
12 agency that has at least 500 full-time equivalent positions shall
13 designate an individual from the agency to serve as a [~~veteran's~~]
14 liaison for veterans, military members, and their dependents.

15 (b) A state agency that has fewer than 500 full-time
16 equivalent positions may designate an individual from the agency to
17 serve as the [~~a veteran's~~] liaison described by Subsection (a).

18 (c) Each state agency that designates a [~~veteran's~~] liaison
19 under this section shall make available on the agency's Internet
20 website the liaison's individual work contact information.

21 SECTION 7. Section 657.0047, Government Code, is amended to
22 read as follows:

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

26 (1) if the total number of individuals interviewed for
27 the position is six or fewer, at least one individual qualified for

1 a military [~~veteran's~~] employment preference under Section
2 657.003; or

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

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

11 SECTION 8. Section 657.005(a), Government Code, is amended
12 to read as follows:

13 (a) The individual whose duty is to appoint or employ an
14 applicant for a position with a state agency or an officer or the
15 chief administrator of the agency who receives an application for
16 appointment or employment by an individual entitled to a military
17 [~~veteran's~~] employment preference, before appointing or employing
18 any individual, shall investigate the qualifications of the
19 applicant for the position.

20 SECTION 9. Section 657.010, Government Code, is amended to
21 read as follows:

22 Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF
23 STATE AGENCY. (a) An individual entitled to a military [~~veteran's~~]
24 employment preference under this chapter who is aggrieved by a
25 decision of a state agency to which this chapter applies relating to
26 hiring or appointing the individual, or relating to retaining the
27 individual if the state agency reduces its workforce, may appeal

1 the decision by filing a written complaint with the executive
2 director of the state agency under this section.

3 (b) The executive director of a state agency that receives a
4 written complaint under Subsection (a) shall respond to the
5 complaint not later than the 15th business day after the date the
6 executive director receives the complaint. The executive director
7 may render a different hiring or appointment decision than the
8 decision that is the subject of the complaint if the executive
9 director determines that the military [~~veteran's~~] preference was
10 not applied.

11 SECTION 10. Section 32.54(b), Penal Code, is amended to
12 read as follows:

13 (b) A person commits an offense if the person:

14 (1) uses or claims to hold a military record that the
15 person knows:

16 (A) is fraudulent;

17 (B) is fictitious or has otherwise not been
18 granted or assigned to the person; or

19 (C) has been revoked; and

20 (2) uses or claims to hold that military record:

21 (A) in a written or oral advertisement or other
22 promotion of a business; or

23 (B) with the intent to:

24 (i) obtain priority in receiving services
25 or resources under Subchapter G, Chapter 302, Labor Code;

26 (ii) qualify for a military [~~veteran's~~]
27 employment preference under Chapter 657, Government Code;

1 (iii) obtain a license or certificate to
2 practice a trade, profession, or occupation;

3 (iv) obtain a promotion, compensation, or
4 other benefit, or an increase in compensation or other benefit, in
5 employment or in the practice of a trade, profession, or
6 occupation;

7 (v) obtain a benefit, service, or donation
8 from another person;

9 (vi) obtain admission to an educational
10 program in this state; or

11 (vii) gain a position in state government
12 with authority over another person, regardless of whether the actor
13 receives compensation for the position.

14 SECTION 11. The changes in law made by this Act to Chapter
15 657, Government Code, apply only to an open position with a state
16 agency for which the state agency begins accepting applications on
17 or after the effective date of this Act. An open position with a
18 state agency for which the state agency begins accepting
19 applications before the effective date of this Act is governed by
20 the law in effect on the date the state agency began accepting
21 applications, and the former law is continued in effect for that
22 purpose.

23 SECTION 12. This Act takes effect September 1, 2023.