

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;

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

7 (5) the spouse of a veteran if the spouse is the
8 primary source of income for the household and the veteran has a
9 total disability rating based either on having a service-connected
10 disability with a disability rating of at least 70 percent or on
11 individual unemployability.

12 SECTION 4. Section 657.003, Government Code, is amended to
13 read as follows:

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

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

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

24 (1) a veteran with a disability;

25 (2) a veteran;

26 (3) a spouse described by Section 657.002(4) or (5);

27 (4) a veteran's surviving spouse who has not

1 remarried; and

2 (5) [~~4~~] an orphan of a veteran if the veteran was
3 killed while on active duty.

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

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

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

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

27 (b) Notwithstanding any other law, a state agency may hire

1 or appoint for an open position within the agency an individual
2 entitled to a military [~~veteran's~~] employment preference under
3 Section 657.003 without announcing or advertising the position if
4 the agency:

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

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

11 SECTION 6. Section 657.0046, Government Code, is amended to
12 read as follows:

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

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

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

24 SECTION 7. Section 657.0047, Government Code, is amended to
25 read as follows:

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

1 interview:

2 (1) if the total number of individuals interviewed for
3 the position is six or fewer, at least one individual qualified for
4 a military [~~veteran's~~] employment preference under Section
5 657.003; or

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

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

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

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

23 SECTION 9. Section 657.010, Government Code, is amended to
24 read as follows:

25 Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF
26 STATE AGENCY. (a) An individual entitled to a military [~~veteran's~~]
27 employment preference under this chapter who is aggrieved by a

1 decision of a state agency to which this chapter applies relating to
2 hiring or appointing the individual, or relating to retaining the
3 individual if the state agency reduces its workforce, may appeal
4 the decision by filing a written complaint with the executive
5 director of the state agency under this section.

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

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

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

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

19 (A) is fraudulent;

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

22 (C) has been revoked; and

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

24 (A) in a written or oral advertisement or other
25 promotion of a business; or

26 (B) with the intent to:

27 (i) obtain priority in receiving services

1 or resources under Subchapter G, Chapter 302, Labor Code;

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

4 (iii) obtain a license or certificate to
5 practice a trade, profession, or occupation;

6 (iv) obtain a promotion, compensation, or
7 other benefit, or an increase in compensation or other benefit, in
8 employment or in the practice of a trade, profession, or
9 occupation;

10 (v) obtain a benefit, service, or donation
11 from another person;

12 (vi) obtain admission to an educational
13 program in this state; or

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1376 passed the Senate on April 20, 2023, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1376 passed the House, with amendments, on May 24, 2023, by the following vote: Yeas 138, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor