

- SUBJECT:** Changing the definition and function of veteran's employment preference
- COMMITTEE:** Economic and Small Business Development — favorable, without amendment
- VOTE:** 6 ayes — Button, C. Anderson, Faircloth, Isaac, Metcalf, E. Rodriguez
- 0 nays
- 3 absent — Johnson, Villalba, Vo
- WITNESSES:** For — John McKinny, American Legion Department of Texas; Jim Brennan, Texas Coalition of Veterans Organizations; (*Registered, but did not testify*: Kenneth Besserman, Texas Restaurant Association)
- Against — None
- On — Shawn Deabay, Texas Veterans Commission; Susanna Cutrone, Texas Workforce Commission
- BACKGROUND:** Government Code, ch. 657 requires public entities and public works to give preference to individuals who qualify for veteran's employment preferences in hiring. Under sec. 657.002, an individual qualifies for a veteran's employment preference if the individual is a competent honorably discharged veteran who served in the military during a national emergency for at least 90 consecutive days or was discharged for a service-connected disability. An individual also could qualify as the orphan or surviving spouse of a veteran meeting the above requirements who was killed while on active duty.
- Sec. 657.004 requires employers to give preference to veterans entitled to an employment preference so that at least 40 percent of the employees are selected from that group. If this requirement is not met, then sec. 657.005 requires the hiring manager to employ an applicant entitled to a veteran's employment preference if the applicant is of good moral character and can perform the duties of the position. This requirement no longer applies

after the 40 percent quota has been met.

DIGEST:

HB 2996 would eliminate the requirement that public entities or works hire at least 40 percent of their staff from the ranks of veterans eligible for employment preference and replace it with a goal that veterans makes up 15 percent or more of the total workforce at each state agency. An agency could set an employment goal that specified a higher percentage of veterans. It also could designate an open position as a veteran's position and choose to accept applications for that position only from individuals who were entitled to a veteran's employment preference.

The bill would require that at least 20 percent of interviewees for each open position at a state agency be veterans qualified for employment preference. If there were fewer than five interviewees, then at least one interviewee would have to be a veteran. The bill would amend sec. 657.005 so that it required a state agency hiring manager to investigate the qualifications of an applicant who was entitled to a veteran's employment preference but would not require that manager to hire the applicant, regardless of the person's moral character or ability to perform the duties.

This bill also would eliminate certain requirements for an individual to qualify for a veteran's employment preference. Specifically, the bill would eliminate the competency requirement and the condition that the veteran have served during a national emergency.

The bill would entitle a disabled veteran to an employment preference over all other applicants who were not veterans with a disability and who did not have a greater qualification, regardless of whether the position required a competitive examination.

A state agency also would be able to hire a veteran without first advertising the position if the agency used the automated labor exchange system administered by the Texas Workforce Commission to find the veteran.

The bill would require a state agency with at least 500 full-time equivalent

positions to designate an individual to serve as a veteran's liaison. Any state agency could designate a veteran's liaison. The bill would require the liaison's work contact information to be posted on the agency's website.

The comptroller would be required to make available on its website the agency report required by current law stating the percentage of the total number of the agency's employees who were veterans and the number of complaints alleging that the veteran's preference was not applied.

The bill would take effect September 1, 2015, and would apply only to a position that first began accepting applications on or after that date.