

GOVERNMENT CODE

TITLE 6. PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE B. STATE OFFICERS AND EMPLOYEES

CHAPTER 657. MILITARY 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.

(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.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Sec. 657.002. INDIVIDUALS QUALIFIED FOR MILITARY EMPLOYMENT PREFERENCE. The following individuals qualify for a military employment preference:

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

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

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

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

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

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 854, Sec. 1, eff. Sept. 1, 1995.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1100 (S.B. 1376), Sec. 3, eff. September 1, 2023.

Sec. 657.003. MILITARY EMPLOYMENT PREFERENCE. (a) An individual who qualifies for a military employment preference is entitled to a preference in employment with or appointment to a state agency over other applicants for the same position who do not have a greater qualification.

(b) A state agency shall provide to an individual entitled to a military employment preference for employment or appointment over other applicants for the same position who do not have a greater qualification a military employment preference, in the following order of priority:

- (1) a veteran with a disability;
- (2) a veteran;
- (3) a spouse described by Section 657.002(4) or (5);
- (4) a veteran's surviving spouse who has not remarried; and
- (5) an orphan of a veteran if the veteran was killed while on active duty.

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

(d) An individual entitled to a military employment preference is not disqualified from holding a position with a state agency because of age or an established service-connected

disability if the age or disability does not make the individual incompetent to perform the duties of the position.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1100 (S.B. 1376), Sec. 4, eff. September 1, 2023.

Sec. 657.004. VETERAN EMPLOYMENT GOAL FOR STATE AGENCIES.

(a) Each state agency shall establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least 20 percent of the total number of employees of the state agency.

(b) A state agency may establish a veteran employment goal that is greater than the percentage required under Subsection (a).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 854, Sec. 2, eff. Sept. 1, 1995.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO MILITARY EMPLOYMENT PREFERENCE. (a) A state agency may designate an open position as a military preference position and only accept applications for that position from individuals who are entitled to a military employment preference under Section 657.003.

(b) Notwithstanding any other law, a state agency may hire or appoint for an open position within the agency an individual entitled to a military employment preference under Section 657.003 without announcing or advertising the position if the agency:

(1) uses the automated labor exchange system administered by the Texas Workforce Commission to identify an individual who qualifies for a military employment preference under this chapter; and

(2) determines the individual meets the

qualifications required for the position.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1100 (S.B. 1376), Sec. 5, eff. September 1, 2023.

Sec. 657.0046. STATE AGENCY LIAISON FOR VETERANS, MILITARY MEMBERS, AND THEIR DEPENDENTS. (a) Each state agency that has at least 500 full-time equivalent positions shall designate an individual from the agency to serve as a liaison for veterans, military members, and their dependents.

(b) A state agency that has fewer than 500 full-time equivalent positions may designate an individual from the agency to serve as the liaison described by Subsection (a).

(c) Each state agency that designates a liaison under this section shall make available on the agency's Internet website the liaison's individual work contact information.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1100 (S.B. 1376), Sec. 6, eff. September 1, 2023.

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

(1) if the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a military employment preference under Section 657.003; or

(2) if the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a military employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed.

(b) A state agency that does not receive any applications from individuals who qualify for a military employment preference under Section 657.003 is not required to comply with Subsection

(a).

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1100 (S.B. 1376), Sec. 7, eff. September 1, 2023.

Sec. 657.005. EMPLOYMENT INVESTIGATION. (a) The individual whose duty is to appoint or employ an applicant for a position with a state agency or an officer or the chief administrator of the agency who receives an application for appointment or employment by an individual entitled to a military employment preference, before appointing or employing any individual, shall investigate the qualifications of the applicant for the position.

(b) An applicant who is a veteran with a disability shall furnish the official records to the individual whose duty is to fill the position.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1100 (S.B. 1376), Sec. 8, eff. September 1, 2023.

Sec. 657.006. FEDERAL LAW AND GRANTS. To the extent that this chapter conflicts with federal law or a limitation provided by a federal grant to a state agency, this chapter shall be construed to operate in harmony with the federal law or limitation of the federal grant.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Sec. 657.007. PREFERENCE APPLICABLE TO REDUCTION IN WORKFORCE. (a) An individual entitled to a hiring or appointment preference under this chapter is also entitled to a preference in

retaining employment if the state agency that employs or appoints the individual reduces its workforce.

(b) The preference granted under this section applies only to the extent that a reduction in workforce by an employing state agency involves other employees of a similar type or classification.

Added by Acts 1995, 74th Leg., ch. 854, Sec. 3, eff. Sept. 1, 1995.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Sec. 657.008. REPORTING REQUIREMENTS. (a) A state agency shall file quarterly with the comptroller a report that states:

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

(2) the percentage of the total number of the agency's employees who are persons entitled to a preference under this chapter; and

(3) the number of complaints filed with the executive director of the agency under Section 657.010 during that quarter and the number of those complaints resolved by the executive director.

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

(c) Not later than December 1 of each year, the comptroller shall file with the legislature a report that compiles and analyzes information that the comptroller receives from state agencies under Subsection (a).

Added by Acts 1995, 74th Leg., ch. 854, Sec. 3, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1016 (H.B. 1275), Sec. 2, eff. September 1, 2007.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Sec. 657.009. STATE AGENCIES TO LIST POSITIONS WITH TEXAS

WORKFORCE COMMISSION. (a) A state agency shall provide to the Texas Workforce Commission, under rules adopted under this section by the commission, information regarding an open position that is subject to the hiring or appointment preference required by this chapter.

(b) The Texas Workforce Commission shall make available to the public the information provided by a state agency under Subsection (a).

(c) To promote the purposes of this chapter, the Texas Workforce Commission shall adopt rules under this section that facilitate the exchange of employment information between state agencies and individuals entitled to a preference under this chapter.

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

Added by Acts 1995, 74th Leg., ch. 854, Sec. 3. Amended by Acts 2003, 78th Leg., ch. 817, Sec. 10.07, eff. Sept. 1, 2003.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. 805), Sec. 2, eff. September 1, 2015.

Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF STATE AGENCY. (a) An individual entitled to a military employment preference under this chapter who is aggrieved by a decision of a state agency to which this chapter applies relating to hiring or appointing the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the executive director of the state agency under this section.

(b) The executive director of a state agency that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the executive director receives the complaint. The executive director may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director determines that the military preference was not applied.

Added by Acts 2007, 80th Leg., R.S., Ch. 1016 (H.B. 1275), Sec. 1, eff. September 1, 2007.

Added by Acts 2015, 84th Leg., R.S., Ch. 195 (S.B. [805](#)), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 1100 (S.B. [1376](#)), Sec. 9, eff. September 1, 2023.