

SUBJECT: Qualifying spouses of totally disabled veterans for employment preference

COMMITTEE: Economic and Small Business Development — favorable, without amendment

VOTE: 9 ayes — Button, Vo, Bailes, Deshotel, Hinojosa, Leach, Metcalf, Ortega, Villalba

0 nays

WITNESSES: For — Jim Brennan, Texas Coalition of Veterans Organizations;  
(*Registered, but did not testify*: Robert Flores, National Veterans Outreach Program/AGIF; Joseph Green, Travis County Commissioners Court)

Against — None

On — (*Registered, but did not testify*: Stan Kurtz, Texas Veterans Commission)

BACKGROUND: Government Code, sec. 657.002 qualifies veterans, surviving spouses of veterans who have not remarried, and orphans of veterans killed while on active duty for a veteran's employment preference. Sec. 657.003 requires state agencies to grant preference to job applicants entitled to a veteran's employment preference over other applicants who are not more qualified. Preference must be granted in the following order:

- 1) a veteran with a disability;
- 2) a veteran;
- 3) a veteran's surviving spouse who has not remarried; and
- 4) an orphan of a veteran killed while on active duty.

Veterans with disabilities who are hired in accordance with veteran's employment preference policies are required by sec. 657.005 to furnish the official records to an employer.

DIGEST: HB 92 would add to the list of those entitled to a veteran's employment

preference spouses of veterans who had a total disability rating based on having a service-connected disability with a 100 percent disability rating or being individually unemployable. The order of priority for state agencies when considering those entitled to a veteran's employment preference would place spouses of totally disabled veterans third, after veterans and before surviving spouses.

HB 92 also would require spouses of totally disabled veterans who were hired in accordance with veteran's employment preference policies to furnish the official records to an employer.

The bill would take effect on September 1, 2017, and would apply only to an open position with a state agency for which applications were accepted on or after that date.

**SUPPORTERS  
SAY:**

HB 92 would provide critical support to veterans whose military service had directly resulted in an injury preventing them from being productive in the workforce. Disabled veterans face substantial obstacles in returning home and transitioning to civilian life, and their spouses may become the family's primary source of income. This bill would offer a much-needed mechanism to help ensure that families of disabled veterans could support themselves.

The bill would not allow the quality of state agency employees to decline. Government Code, sec. 657.003 specifies that a veteran's employment preference can apply only when candidates have equal qualifications, guaranteeing that more qualified applicants would not be passed over. Additionally, the preference already exists for surviving spouses and orphans of veterans, so adding one more group would not substantially affect employee quality.

The bill appropriately would ensure employment preference for spouses of totally disabled veterans regardless of when they married. Even in cases where couples marry after the disabling injury, the veteran's spouse still likely would be providing most of the family's income, so the spouse should be entitled to employment preference.

OPPONENTS  
SAY:

HB 92, by offering an additional employment preference instead of allowing the free market to select the most qualified and skilled applicants, could drive away talented candidates and make agencies less effective overall. The bill also would allow a spouse to qualify for employment preference even if he or she married the veteran after the disabling injury. This could allow bad actors to use the law to take advantage of the state's protections for veterans and their families.