



State Military Employment Preference and Federal Protected Veteran Information

Texas Veteran Definition and Preference Eligibility

An individual who qualifies for a military employment preference is entitled to a preference in employment over other applicants who do not have a greater qualification for the same position.¹

Military Employment Preference

The following individuals qualify for military employment preference:

- A veteran, including a veteran with a disability.
- A spouse described by Section 657.002 (4) or (5) and listed below
 - The spouse of a member of the United States armed forces or Texas National Guard serving on active duty.
 - 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.
- A veteran's surviving spouse who has not remarried.
- An orphan of a veteran if the veteran was killed while on active duty.²

A veteran is defined as an individual who has served in (and has been honorably discharged from) the following branches of service:

¹ Texas Government Code, Section 657.003(a).

² Texas Government Code, Section 657.003.

- The U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard; or the U.S. Public Health Service under Title 42, United States Code, Section 201.
- The Texas Military Forces as defined by Texas Government Code, Section 437.001.
- An auxiliary service of one of the branches of the U.S. Armed Forces.³

A veteran with a disability is defined as a veteran (1) who is classified as disabled by the U.S. Department of Veterans Affairs or the branch of the service in which the veteran serviced and (2) whose disability is service-connected.⁴

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..⁵

A state agency or institution of higher education must provide employment preference to individuals who qualify for military employment preference in the following order of priority:

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

Individuals entitled to a military employment preference are not disqualified from holding a position with a state agency or institution of higher education because of age or an established service-connected disability if the age or disability does not make the individual unable to perform the duties of the position.⁶

³ Texas Government Code, Section 657.001(2); and Texas Government Code, Section 2308.251.

⁴ Texas Government Code, Section 657.001(3).

⁵ Texas Government Code, Section 657.003(a).

⁵ Texas Government Code, Section 657.003(b).

⁶ Texas Government Code, Section 657.003(d).

State agencies and institutions of higher education must provide to the Texas Workforce Commission information regarding an open position that is subject to the hiring or appointment preference required by Texas Government Code, Chapter 657.⁷

Interviews

For each announced open position:

- If the total number of individuals interviewed for the position is 6 or fewer, the state agency or institution of higher education must interview at least 1 individual qualified for a military employment preference.
- If the total number of individuals interviewed for the position is more than 6, at least 20 percent of the total number of individuals that the state agency or institution of higher education interviews must be individuals qualified for a military employment preference.⁸

A state agency or institution of higher education that does not receive any applications from individuals who qualify for a military employment preference is not required to comply with the interviewing requirements of Texas Government Code, Section 657.0047(a).⁹

Federal Protected Veteran Category Definitions

Disabled Veteran

This term means (A) a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs, or (B) a person who was discharged or released from active duty because of a service-connected disability.

Armed Forces Service Medal Veteran

This term means any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order No. 12985. Note: With respect to this category, contractors may want to consider requiring veterans who self-identify as an "Armed Forces Service Medal Veteran" to provide a copy of their DD Form 214 otherwise known as their Certificate of Release or Discharge from Active Duty.

⁷ Texas Government Code, Section 657.009(a).

⁸ Texas Government Code, Section 657.0047(a).

⁹ Texas Government Code, Section 657.0047(b).

Recently Separated Veteran

This term means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

Active Duty Wartime or Campaign Badge Veteran

This term means a veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.