

October 23, 2014

Memorandum for Chairman Juan Hinojosa and Members, Senate Intergovernmental Relations (juan.hinojosa@senate.state.tx.us)

Subject: S² Service-to-Service Initiative, Amend Govt. Code Ch. 657, § 657.004 Veteran's Employment Preferences to All County Elections

1. **Interim Charge:** "Study the structure of county government and report on ways to increase the efficiency and effectiveness of county government operations."

2. **State Law (Govt. Code, Ch. 657, § 657.004):** "An individual whose duty is to appoint or employ individuals for a public entity or public work of this state shall give preference in hiring to individuals entitled to a veteran's employment preference so that at least 40 percent of the employees of the public entity or public work are selected from individuals given that preference."

3. **Problem:** Codified in 1945, state agencies – save for Texas Veterans Commission, primarily – failed to hire 40% of eligible veterans since 1948 (over 60 years) in accord with Texas Govt. Code Ch. 657, *Veteran's Employment Preferences*.

a. State Agencies: The 2013 Veteran Workforce Summary Report specifies only 4.98% of veterans were employed in state agencies though Govt. Code, Ch. 657, § 657.004 *Veteran's Employment Preferences* requires 40%.

b. Local Level (County): Travis County Clerk Dana DeBeauvoir stated on Election Day (November 5, 2013), "I'm not sure I wanna give preference to military veterans." During my meeting with DeBeauvoir, her Elections Division Manager Michael Winn and Assistant Elections Manager Michelle Parker, I requested a Personnel Procedures Manual and Military Preference for Judge/Alternate appointments (\$8 or \$12/hr) and poll worker vacancies based on the County's failure to comply with Equal Employment Opportunity statutes for veterans, homeless voters, student clerks, and ex-felons (off paper) per my experience since 2010 serving during elections. No personnel manual or veteran's preference exists to date. Per unwritten rule, senior citizens and others receive Early Voting and Election Day hiring preferences over military veterans.

c. County Elections (Ex-felons, off paper): "To: All Election Officials; From: Keith Ingram, Director of Elections; Date: February 1, 2012 RE: Conducting Criminal Background Check pertaining to House Bill 2524 . . . This serves as a reminder that criminal background checks are required for all election officials, staff and temporary workers who are engaged in pre-election programming, testing and preparing of the voting system equipment for Early Voting and Election Day. This does not include poll workers (election judges and clerks) assigned to work election voting centers or precincts, but does include temporary workers hired to test, store, or service voting equipment."¹ After I registered an ex-felon to vote on October 6, 2014, Travis County hired then fired the voter based on criminal background. Per my SOS e-mail, the voter was re-hired.

d. Local Level (City): The City of Austin Veterans Representative Allen Bergeron stated in an e-mail dated Tue, Apr 1, 2014 at 4:50 PM, "Total number and percent of veterans employed by the City of Austin under Govt. Code, Ch. 657, Sec. 657.004 (*Veteran's Employment Preferences*). (Gov Code 657 doesn't apply to the City of Austin) but our percentage is approx 14%."

4. Solutions.

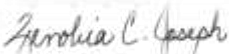
a. Federal: During my April 15, 2014 public testimony before Texas Senate Committee on Veteran Affairs and Military Installations I provided recommendations to increase the number of qualified veterans in state agencies, in part, through transparency (e.g., online posting of the total qualified veterans that applied for vacant jobs; total hired; total retained by each state agency) and data sharing list between federal government and state agencies to cross-check each new hire's veteran status as opposed to Human Resources and elected officials reliance on self-reporting. Chair Leticia Van de Putte thanked me in a Letter of Appreciation for recommendations. Listen to testimony via My TLO (2014).²

b. State/County (Veteran's Preference): Sponsor cleanup legislation to amend Govt. Code, Ch. 657, § 657.004 *Veteran's Employment Preferences* to all statewide elections (i.e., Primary; Joint General and Special Elections) and require Texas Workforce Commission collaboration.

c. State/County (Elections Personnel Manual): Sponsor legislation to require all Texas counties to post electronic or hard copy hiring procedures in the public domain to ensure all eligible citizens are notified of poll worker hiring procedures and the appointment process to fill vacant Deputy/Alternate (Early Voting positions), Judge/Alternate (Election Day positions), and term-appointment by party absent a fiscal note.

d. Appropriations (Secretary of State): Increase Texas Secretary of State's budget to pay Primary Election workers, at minimum, \$10/hour. Revise 81st legislation HB 4044 (Smith) related to increasing pay from \$7 to \$10/hour to aid in bipartisan poll worker recruitment and retention.

Very respectfully,



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zcjsph@aol.com [Veteran Legislation Video (2014): <http://austin.twcnews.com/content/news/303836/state-veteran-legislation-under-review/>]

¹ Texas Secretary of State: Election Advisory (2012). Retrieved from <http://www.sos.state.tx.us/elections/laws/advisory2012-02.shtml>

² Texas Legislature: Senate Committee on Veteran Affairs and Military Installation (2014, April 15). Testimony by Joseph, Zenobia C. Retrieved from http://tlcsenate.granicus.com/MediaPlayer.php?view_id=10&clip_id=8431 [2:59:05-3:08:22]