

Handbook of Operating Procedures

EMPLOYMENT PREFERENCES FOR VETERANS AND FORMER FOSTER CHILDREN

A. Purpose

The purpose of this policy is to ensure that The University of Texas Rio Grande Valley (UTRGV) complies with applicable regulations for the statutory preferences for veterans and former foster children in employment. It also provides a grievance mechanism regarding these employment decisions as required by applicable law.

B. Persons Affected

This policy applies to all UTRGV employees and applicants for employment.

C. Definitions

1. Qualified Former Foster Child - An individual 25 years of age or younger who was under the permanent managing conservatorship of the Texas Department of Family and Protective Services on the day preceding the individual's 28th birthday.
2. Qualified Individual - The following individuals qualify for a veteran's employment preference: (A) a veteran, including a veteran with a disability; (B) a veteran's surviving spouse who has not remarried; and (C) an orphan of a veteran if the veteran was killed while on active duty.
3. Veteran - A person who (A) has served in (i) the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States or the United States Public Health Service under 42 U.S.C. Section 201, et seq., as amended, (ii) the Texas National Guard, Texas State Guard, and any other military forces organized under state law; or (iii) an auxiliary service of one of those branches of the armed forces; and (B) has been honorably discharged from the branch of the service in which the person served.
4. Veteran with a Disability - A veteran who is classified as disabled by the United States Department of Veteran Affairs or its successor or a branch of the service in which the veteran served and whose disability is service-connected.

D. Policy

1. *Employment Preferences for Veterans:*

Qualified individuals are entitled to a preference in employment with or appointment to UTRGV over other applicants for the same position who do not have a greater qualification. UTRGV shall provide qualified individuals entitled to a preference in employment or appointment over other applicants for the same position who do not have a greater qualification an employment preference in the following order of priority: (a) a veteran with a disability; (b) a veteran; (c) a veteran's surviving spouse who has not remarried; and (d)

an orphan of a veteran if the veteran was killed while on active duty. A qualified individual is not disqualified from holding a position with UTRGV 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.

2. *Employment Preferences for Foster Children:*

A qualified former foster child is entitled to a preference in employment over other applicants for the same position who do not have a greater qualification. However, UTRGV is not required to provide this preference to (a) a job acting as a private secretary or deputy of an executive administration of UTRGV or (b) an individual holding a strictly confidential relation to the employing official.

E. **Procedure**

1. UTRGV will comply with Regents' Rule 30107 and Chapter 657 of the Texas Government Code in providing employment preferences for veterans.
2. UTRGV will comply with Regents' Rule 30108 and Chapter 672 of the Texas Government Code in providing employment preferences for former foster children.
3. *Complaint Regarding Employment Decision* – Individuals may grieve a (a) hiring or appointment or (ii) a decision not to retain the individual due to a reduction in force by filing a written complaint with the President of UTRGV within ten (10) business days of the date the individual is notified of the decision. The President of UTRGV shall respond to the complaint no later than the 15th business day after receipt of the complaint. The President of UTRGV may render a different decision than the decision that is the subject of the complaint if it is determined the applicable preference was not applied.

F. **Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

Texas Government Code Section 437.001 (14)

Texas Government Code Chapter 657, Veterans' Employment Preferences

Texas Government Code Chapter 672, Employment Preference for Former Foster Children

Texas Government Code *Section 2308.251*

The University of Texas System Board of Regents' Rules & Regulations, Rule 30107, Veteran's Employment Preferences

The University of Texas System Board of Regents' Rules and Regulations, Rule 30108, Employment Preferences for Former Foster Children

Executive Order No 12985

G. Dates Reviewed or Amended

May 19, 2022 - Reviewed and amended (non-substantive: updated responsible executive).