

## SENATE AMENDMENTS TO SENATE BILL 822

By COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

May 9

1 On page 1 of the printed bill, line 20, delete “with other than a dishonorable discharge” and  
2 insert “under honorable conditions”.

3 In line 21, delete “with other than” and insert “under honorable conditions”.

4 In line 22, delete “a dishonorable discharge”.

5 Delete line 24 and insert “under honorable conditions; or”.

6 After line 30, insert:

7 “**SECTION 2.** ORS 408.230 is amended to read:

8 “408.230. *[(1) An eligible veteran or eligible disabled veteran who has successfully completed all*  
9 *phases of a civil service test shall be allowed preference on the list established as a result of such test.*  
10 *If the test results in a score, preference means that to the score of a veteran who has passed a test five*  
11 *points shall be added, and to the score of a disabled veteran who has passed a test 10 points shall be*  
12 *added. All such points shall be added to the total combined test score of the veteran and shall not be*  
13 *allocated to any single feature or part of the examination. If the test consists of interviews, performance,*  
14 *evaluation of experience and training, a supervisor’s rating or any other method of ranking applicants*  
15 *that does not result in a score, preference must still be provided to veterans and disabled veterans.*  
16 *Preference does not mean that veterans must be appointed to vacant positions, but does provide a uni-*  
17 *form method by which special consideration is given to eligible veterans and disabled veterans seeking*  
18 *public employment.]*

19 “[2) *Any person who has been appointed permanently to a civil service position, granted military*  
20 *leave to serve in the armed services who would qualify as a veteran or disabled veteran and who has*  
21 *returned to duty in a permanent civil service position, shall be allowed such preference on any suc-*  
22 *cessfully completed promotion test for a position which would put the person in another class having*  
23 *a higher maximum salary rate.]*

24 “(1) **A public employer shall grant a preference to a veteran or disabled veteran who**  
25 **successfully completes an initial application screening or an application examination or who**  
26 **successfully completes a civil service test the employer administers to establish eligibility for**  
27 **a vacant civil service position. The employer shall grant the preference in the following**  
28 **manner:**

29 “(a) **For an initial application screening used to develop a list of persons for interviews,**  
30 **the employer shall add five preference points to a veteran’s score and 10 preference points**  
31 **to a disabled veteran’s score.**

32 “(b) **For an application examination, given after the initial application screening, that**  
33 **results in a score, the employer shall add preference points to the total combined examina-**  
34 **tion score without allocating the points to any single feature or part of the examination. The**  
35 **employer shall add five preference points to a veteran’s score and 10 preference points to a**

1 **disabled veteran's score.**

2 **“(c) For an application examination that consists of an interview, an evaluation of the**  
3 **veteran's performance, experience or training, a supervisor's rating or any other method of**  
4 **ranking an applicant that does not result in a score, the employer shall give a preference to**  
5 **the veteran or disabled veteran. An employer that uses an application examination of the**  
6 **type described in this paragraph shall devise and apply methods by which the employer gives**  
7 **special consideration in the employer's hiring decision to veterans and disabled veterans.**

8 **“(2) Preferences of the type described in subsection (1) of this section are not a require-**  
9 **ment that the public employer appoint a veteran or disabled veteran to a civil service posi-**  
10 **tion.**

11 **“(3) A public employer shall appoint an otherwise qualified veteran or disabled veteran**  
12 **to a vacant civil service position if the results of a veteran's or disabled veteran's application**  
13 **examination, when combined with the veteran's or disabled veteran's preference, are equal**  
14 **to or higher than the results of an application examination for an applicant who is not a**  
15 **veteran or disabled veteran.**

16 **“(4) If a public employer does not appoint a veteran or disabled veteran to a vacant civil**  
17 **service position, upon written request of the veteran or disabled veteran, the employer, in**  
18 **writing, shall provide the employer's reasons for the decision not to appoint the veteran or**  
19 **disabled veteran to the position. The employer may base a decision not to appoint the veteran**  
20 **or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with**  
21 **respect to the vacant civil service position.**

22 **“(5) Whether or not the person qualifies for a preference under subsection (1) of this**  
23 **section, a public employer shall grant to a person the employer has hired for a permanent**  
24 **civil service position a veteran's or disabled veteran's preference, as appropriate, if the per-**  
25 **son seeks promotion to a position with a higher maximum salary rate and the person:**

26 **“(a) Was granted military leave by the public employer to serve in the armed services;**

27 **“(b) Returned from military leave to the civil service position;**

28 **“(c) Qualified as a veteran or disabled veteran by reason of the person's service during**  
29 **military leave or otherwise;**

30 **“(d) Successfully completed a test or examination for the position; and**

31 **“(e) Meets the minimum qualifications and any special qualifications for the position.**

32 **“(6) Violation of this section is an unlawful employment practice.**

33 **“(7) A veteran or disabled veteran claiming to be aggrieved by a violation of this section**  
34 **may file a verified written complaint with the Commissioner of the Bureau of Labor and In-**  
35 **dustries in accordance with ORS 659A.820.”.**

36 Delete page 2.

37 On page 3, delete lines 1 through 14.