

Enrolled
Senate Bill 277

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans' Affairs)

CHAPTER

AN ACT

Relating to veterans' preference in public employment; amending ORS 408.230; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 408.230 is amended to read:

408.230. (1) A public employer shall grant a preference to a veteran or disabled veteran who **applies for a vacant civil service position or seeks promotion to a civil service position with a higher maximum salary rate and who:**

(a)(A) Successfully completes an initial application screening or an application examination [*or who*] **for the position; or**

(B) Successfully completes a civil service test the employer administers to establish eligibility for [*a vacant civil service*] **the position[.]; and**

(b) Meets the minimum qualifications and any special qualifications for the position.

(2) The employer shall grant the preference in the following manner:

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

(b) For an application examination, given after the initial application screening, that results in a score, the employer shall add preference points to the total combined examination score without allocating the points to any single feature or part of the examination. The employer shall add five preference points to a veteran's score and 10 preference points to a disabled veteran's score.

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

[2] (3) Preferences of the type described in subsection (1) of this section are not a requirement that the public employer appoint a veteran or disabled veteran to a civil service position.

[3] (4) A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of a veteran's or disabled veteran's application examination, when combined with the veteran's or disabled veteran's preference, are equal to or higher

than the results of an application examination for an applicant who is not a veteran or disabled veteran.

[(4)] (5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service position, upon written request of the veteran or disabled veteran, the employer, in writing, shall provide the employer's reasons for the decision not to appoint the veteran or disabled veteran to the position. The employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil service position.

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

[(a) Was granted military leave by the public employer to serve in the armed services;]

[(b) Returned from military leave to the civil service position;]

[(c) Qualified as a veteran or disabled veteran by reason of the person's service during military leave or otherwise;]

[(d) Successfully completed a test or examination for the position; and]

[(e) Meets the minimum qualifications and any special qualifications for the position.]

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

(7) A veteran or disabled veteran claiming to be aggrieved by a violation of this section may file a verified written complaint with the Commissioner of the Bureau of Labor and Industries in accordance with ORS 659A.820.

SECTION 2. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by Senate February 22, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 9, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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Kate Brown, Secretary of State