

**Senate Veterans and Emergency Preparedness Committee
Senate Bill 87 | March 17, 2015**

Testimony of the Stakeholder Work Group on Veterans’ Preference in Employment

My name is Laurie Skillman and I am the Senior Policy Advisor for the Oregon Department of Veterans’ Affairs. Today I represent ODVA and the stakeholder work group on veterans’ preference in employment.

Background

Last year the Chairs of the House and Senate Veterans Committees asked the Oregon Department of Veterans Affairs, the Department of Administrative Services, the League of Oregon Cities, the Association of Oregon Counties and BOLI to participate in meetings on veterans’ preference and asked for legislative recommendations to be made for the 2015 session if legislation was needed to resolve implementation issues.

Stakeholder Work Group

From April through November of last year, a 13- member stakeholder work group developed a consensus-driven and comprehensive approach to veteran’s preference, which is now Senate Bill 87. For the record, I also submitted a detailed document: “Report of the Stakeholder Work Group on Veterans’ Preference in Employment.”

Stakeholders developed language, definitions and methods that can be universally understood and implemented by all public employers. The most important voices in the stakeholder group were the voices of the five stakeholders are veterans or have served in the military. The stakeholders include:

Heidi Brown, Deputy City Attorney City of Portland	Cynthia Forest, Human Resources Manager, Oregon Military Department
Andy Smith, AOC Veterans Committee, Association of Oregon Counties	Kyle Abraham, Oregon Public Employers Labor Relations Association (“ORPLERA”)
Kathryn Short, Senior Assistant County Attorney Multnomah County	Laurie Skillman, Senior Policy Analyst Oregon Department of Veterans’ Affairs
Madilyn Zike, Chief Human Resources Officer State of Oregon	Twyla Lawson, Senior Recruitment Consultant State of Oregon DAS
Scott Winkels, Intergovernmental Relations Associate, League of Oregon Cities	Julie Owens, Human Resources Manager, Oregon Department of Veterans’ Affairs
Jim Booker, Federal Programs Manager State of Oregon Employment Department	Dave Ferre, Deputy Director State Affairs Oregon Military Department
Amy Lippay, Human Resources Manager Multnomah County	

Overview

One key part of the bill is outlining the legislative intent and purpose in Section 1 of the bill. This may be unusual, but it will resolve the current issues of legislative intent.

The stakeholder work group crafted universal definitions and language, worked hard to reach consensus, and created implementation processes reasonable and clear, all with fundamental underlying purpose of giving veterans a fair, real and genuine preference in the hiring process for public employers. The group wanted to ensure that the legislation would be clear in purpose, intent, language and implementation. Finally, it was important to all that the legislation would be durable.

The existing statutes on veterans' preference are unclear, confusing and provide no real guidance on implementation for public employers. The existing statutes were completely rewritten.

Five Key Benefits to Veterans of Senate Bill 87

1. **SB 87 is beneficial to veterans because a veteran's rights and benefits are clear and easy to understand.**

A veteran's rights under the law are clear to the veteran, the public and the employer. A veteran can read and understand what veterans' preference means, how it will be applied and know what process the employer is required to use.

Current law: veterans' rights are unclear and confusing and there are no clear methods or processes.

A veteran does not know what preference means and how an employer must apply preference.

2. **SB 87 is beneficial to veterans because it holds employers accountable and requires public employers to follow a prescribed selection process for applying veterans' preference.**

SB 87 has strict requirements for a public employer. The public employer must use one of two selection processes: 1) a tested and scored selection process based on a 100-point scale that adds five points for a veteran and 10 points for a disabled veteran; or 2) a sorted or ranked selection process for an interview process. These two selection process are detailed and it will be very clear whether an employer follows these process.

In addition, the bill holds the employer accountable by requiring the employer to give the same weight to a veteran's transferrable skills as the employer gives to skills and experience obtained outside of the military.

Current law: The law for an interview selection process is vague. It does not require an employer to follow strict requirements. The law states: “*an employer...shall devise and apply methods by which the employer gives special consideration in the employer’s hiring decision to veterans and disabled veterans.*”

Current law: The current law does not require the employer to give the same weight to a veteran’s transferrable skills as the employer gives to skills and experience obtained outside of the military.

3. SB 87 is beneficial to veterans because it provides a fair, genuine and meaningful preference at every key stage in the hiring process.

An employer is required to apply veterans’ preference at the three key stages in a hiring process: the evaluation stage, the initial interview stage, and the final selection process. The employer must use clearly defined methods that move veterans ahead of other non-veteran applicants, and disabled veterans are given a greater preference than veterans.

Current law: does not state when and how preference must be applied.

4. SB 87 is beneficial to veterans because it requires employers to give more defined opportunities for qualified and competitive veterans to have an initial interview.

A new and significant benefit to veterans is the requirement that employers interview at least five veterans during an unscored hiring process. As perspective, most large first interview groups have 20 to 25 candidates. This would ensure that veterans were 20% to 25% of the candidates interviewed. SB 87 emphasizes the initial interview stage because it provides the best opportunity for a veteran to describe and explain their transferable military education and experience, and because reinforces the purpose and intent of HB 3207 (2011). However, *a veteran is not required to rely on their transferrable military skills*

Current law: requires employers to interview only veterans who have submitted application materials that “show sufficient evidence that the veteran has *the transferrable skills required and requested by the public employer.*”

5. SB 87 is beneficial to veterans because it is clear that an employer is required to give a veteran greater preference than a non-veteran (and give a disabled veteran is greater preference than a veteran) during the final selection stage.

During the final selection stage, if a veteran or disabled veteran is equally or better qualified than any other candidate, the employer must offer the position to the veteran.

Current law: is unclear and confusing on this issue.

Key Benefits of SB 87 to the Public and to Employers Who Must Implement the Statute

1. Clear and straightforward methods to apply veterans' preference that the employer can implement and explain. A clear and universal language was developed and defined.

The stakeholder group needed to design methods for applying veterans' preference that can be used by all public employers that have different hiring procedures and terminology. The stakeholders agreed on terminology that was clearly defined, universally functional and easy to understand. Public employers are looking for bright lines and clarity.

Current law: is unclear and confusing.

2. Legislative intent is clear.

The legislative intent and policy is set out in statute:

(a) Public employers shall give a preference to veterans and disabled veterans in the selection processes for competitive positions.

(b) Public employers must make hiring decisions for competitive positions based on the results of a merit-based competitive selection process that includes, but is not limited to, consideration of the skills, abilities, knowledge and experience of all applicants.

(c) Application of the veterans' preference should be easy to understand and implement and uniformly granted.

(d) The veterans' preference that is granted for first interviews provides the best opportunity during the selection processes for public employment competitive positions for veterans to describe and explain their transferable skills that are derived from military education and experience.

(e) The veterans' preference must be granted in a merit-based competitive selection process and does not apply to employment processes for assignments and transfers.

Current law: legislative intent is unclear. There are no clear requirements in statute for when to apply veterans' preference and how to apply preference.

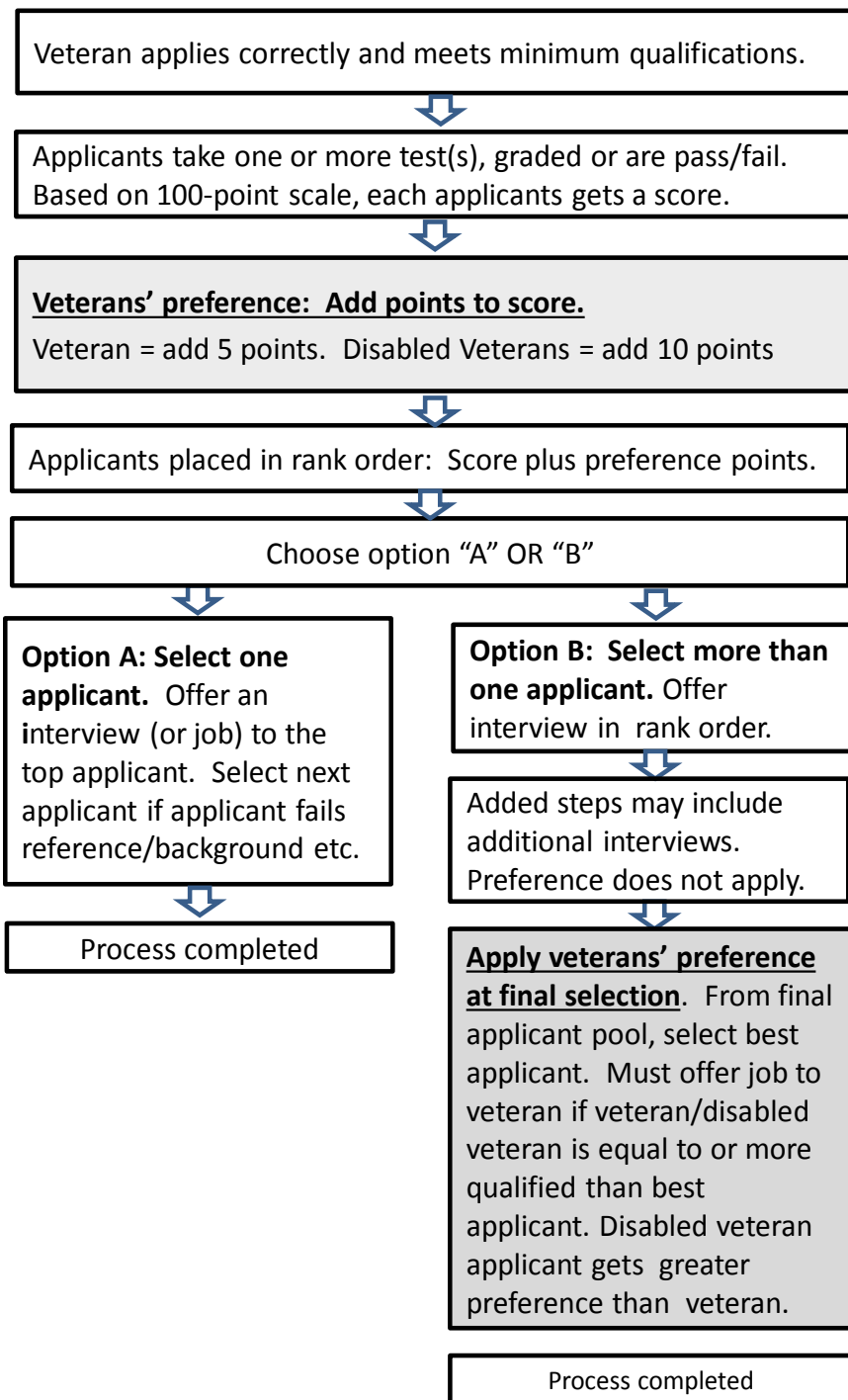
Summary

Senate Bill 87 benefits veterans, the public and public employers. It is a carefully constructed and consensus-driven bill that provides fair and meaningful preference to veterans, provides clarity and holds employers accountable for applying preference within strict parameters.

Attached are the two methods for applying preference in SB 87.

Appendix A: Two Methods of Applying Veterans' Preference

Veterans' Preference: Tested and Scored Selection Process



Unscored Sorted/Ranked/Unscored Method

