

**PROPOSED AMENDMENTS TO
SENATE BILL 87**

1 On page 1 of the printed bill, line 3, after the first semicolon delete the
2 rest of the line and line 4 and insert “and amending ORS 408.225, 408.230 and
3 408.237.”.

4 Delete lines 6 through 27 and delete pages 2 through 9 and insert:

5 **“SECTION 1.** ORS 408.225 is amended to read:

6 “408.225. (1) As used in ORS 408.225 to 408.237:

7 “(a)(A) ‘Civil service position’ means any position for which a hiring or
8 promotion decision is made or required to be made based on the results of
9 a merit based, competitive process that includes, but is not limited to, con-
10 sideration of an applicant’s or employee’s relative ability, knowledge, expe-
11 rience and other skills.

12 “(B) A ‘civil service position’ need not be labeled a ‘civil service
13 position.’

14 “(b) ‘Combat zone’ means an area designated by the President of the
15 United States by executive order in which, on the dates designated by exec-
16 utive order, the Armed Forces of the United States are or have engaged in
17 combat.

18 “(c) ‘Disabled veteran’ means a person who has a disability rating from
19 the United States Department of Veterans Affairs, a person whose discharge
20 or release from active duty was for a disability incurred or aggravated in the
21 line of duty or a person who was awarded the Purple Heart for wounds re-
22 ceived in combat.

1 “(d) **‘Eligibility list’ means a list of ranked eligible candidates for a**
2 **civil service position who have become eligible for the position through**
3 **a test or series of tests and who will be considered for the civil service**
4 **position in ranked order.**

5 “[(d)] (e) **‘Honorable conditions’** has the meaning given that term in rules
6 adopted by the Department of Veterans’ Affairs.

7 “[(e)] (f) **‘Public employer’** means a public body, as that term is defined
8 in ORS 174.109, and any person authorized to act on behalf of the public
9 body, with respect to control, management or supervision of any employee.

10 “(g) **‘Requested skills’ means attributes desired by a public employer**
11 **in a candidate for a civil service position or for an eligibility list that**
12 **are gained through knowledge or experience and that make a candi-**
13 **date more competitive for a position when compared to other candi-**
14 **dates for the same position who do not possess the requested skills at**
15 **all or to the same degree, and that are reviewed and considered in**
16 **determining the candidate’s ranking in accordance with ORS 408.230.**

17 “(h) **‘Required skills’ means attributes required by a public em-**
18 **ployer in a candidate for a civil service position or for an eligibility list**
19 **that are gained through knowledge or experience, including but not**
20 **limited to a minimum number of years of experience or education and**
21 **requirements specific to the position such as certificates or licensure.**

22 “(i) **‘Transferable skills’ means skills that a veteran has obtained,**
23 **including military education or experience, that substantially relate**
24 **to the civil service position for which the veteran is applying.**

25 “[(f)] (j) **‘Veteran’** means a person who:

26 “(A) Served on active duty with the Armed Forces of the United States:

27 “(i) For a period of more than 90 consecutive days beginning on or before
28 January 31, 1955, and was discharged or released under honorable conditions;

29 “(ii) For a period of more than 178 consecutive days beginning after
30 January 31, 1955, and was discharged or released from active duty under

1 honorable conditions;

2 “(iii) For 178 days or less and was discharged or released from active duty
3 under honorable conditions because of a service-connected disability;

4 “(iv) For 178 days or less and was discharged or released from active duty
5 under honorable conditions and has a disability rating from the United
6 States Department of Veterans Affairs; or

7 “(v) For at least one day in a combat zone and was discharged or released
8 from active duty under honorable conditions;

9 “(B) Received a combat or campaign ribbon or an expeditionary medal for
10 service in the Armed Forces of the United States and was discharged or re-
11 leased from active duty under honorable conditions; or

12 “(C) Is receiving a nonservice-connected pension from the United States
13 Department of Veterans Affairs.

14 “(2) As used in subsection [(1)(f)] (1)(j) of this section, ‘active duty’ does
15 not include attendance at a school under military orders, except schooling
16 incident to an active enlistment or a regular tour of duty, or normal military
17 training as a reserve officer or member of an organized reserve or a National
18 Guard unit.

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

20 “408.230. (1) A public employer shall grant a preference to a veteran or
21 disabled veteran who applies for a vacant civil service position or seeks
22 promotion to a civil service position with a higher maximum salary rate and
23 who:

24 “(a)(A) Successfully completes an initial application screening or an ap-
25 plication examination for the position; or

26 “(B) Successfully completes a civil service test the employer administers
27 to establish eligibility for the position; and

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

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

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

4 “(b) For an application examination, given after the initial application
5 screening, that results in a score, the employer shall add preference points
6 to the total combined examination score without allocating the points to any
7 single feature or part of the examination. The employer shall add five pref-
8 erence points to a veteran’s score and 10 preference points to a disabled
9 veteran’s score.

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

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

21 “(4) A public employer shall appoint an otherwise qualified veteran or
22 disabled veteran to a vacant civil service position if the results of a veteran’s
23 or disabled veteran’s application examination, when combined with the
24 veteran’s or disabled veteran’s preference, are equal to or higher than the
25 results of an application examination for an applicant who is not a veteran
26 or disabled veteran.

27 “(5) If a public employer does not appoint a veteran or disabled veteran
28 to a vacant civil service position, upon written request of the veteran or
29 disabled veteran, the employer, in writing, shall provide the employer’s rea-
30 sons for the decision not to appoint the veteran or disabled veteran to the

1 position. The employer may base a decision not to appoint the veteran or
2 disabled veteran solely on the veteran's or disabled veteran's merits or
3 qualifications with respect to the vacant civil service position.

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

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

8 **“SECTION 3.** ORS 408.237 is amended to read:

9 “408.237. (1) *[As used in this section:]*

10 “[*(a) ‘Eligibility list’ means a list of ranked eligible candidates for a civil*
11 *service position who have become eligible for the position through a test or*
12 *series of tests and who will be considered for the civil service position in*
13 *ranked order.*]

14 “[*(b) ‘Transferable skill’ means a skill that a veteran has obtained through*
15 *military education or experience that substantially relates, directly or indi-*
16 *rectly, to the civil service position for which the veteran is applying.*] **Prefer-**
17 **ence granted to veterans under ORS 408.230 shall be applied in**
18 **accordance with this section and ORS 408.225, 408.230 and 408.235.**

19 “(2) When an interview is a component of the selection process [*for a civil*
20 *service position or for an eligibility list for a civil service position*], a public
21 employer shall interview each veteran **who, as determined by the public**
22 **employer, shows sufficient evidence that the veteran has the requested**
23 **skills, required skills and transferable skills for the civil service posi-**
24 **tion or eligibility list.**[:]

25 “[*(a) Whom the public employer determines meets the minimum qualifica-*
26 *tions and special qualifications for the civil service position or eligibility list;*
27 *and]*

28 “[*(b) Who submits application materials that the public employer deter-*
29 *mines show sufficient evidence that the veteran has the transferable skills re-*
30 *quired and requested by the public employer for the civil service position or*

1 *eligibility list.]*

2 “(3) A public employer is not required to comply with subsection (2) of
3 this section if the employer conducts interviews only as part of the process
4 of selecting a candidate for a civil service position from an eligibility list.

5 “(4) A public employer may consult with the Oregon Military Department
6 and the Department of Veterans’ Affairs to determine whether certain mili-
7 tary education or experience produces a transferable skill.

8 “(5) The [*Department of Veterans’ Affairs*] **Employment Department**
9 shall provide training to veterans on how to show evidence of transferable
10 skills in an application for a civil service position or eligibility list.

11 “(6) Violation of subsection (2) of this section is an unlawful employment
12 practice under ORS chapter 659A.

13 “(7) A veteran claiming to be aggrieved by a violation of subsection (2)
14 of this section may file a complaint under ORS 659A.820.

15 **“SECTION 4. The amendments to ORS 408.225, 408.230 and 408.237**
16 **by sections 1 to 3 of this 2015 Act apply to selection processes for civil**
17 **service positions made by public employers on or after the effective**
18 **date of this 2015 Act.”.**

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