

**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) **‘Transferable skills’ means skills that a veteran has obtained,**  
11 **including military education or experience, that substantially relate**  
12 **to the civil service position for which the veteran is applying.**

13       “[(f)] (h) ‘Veteran’ means a person who:

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

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

17       “(ii) For a period of more than 178 consecutive days beginning after  
18 January 31, 1955, and was discharged or released from active duty under  
19 honorable conditions;

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

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

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

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

30       “(C) Is receiving a nonservice-connected pension from the United States

1 Department of Veterans Affairs.

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

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

8 “408.230. (1) A public employer shall grant a preference to a veteran or  
9 disabled veteran who applies for a vacant civil service position or seeks  
10 promotion to a civil service position with a higher maximum salary rate and  
11 who:

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

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

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

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

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

22 “(b) For an application examination, given after the initial application  
23 screening, that results in a score, the employer shall add preference points  
24 to the total combined examination score without allocating the points to any  
25 single feature or part of the examination. The employer shall add five pref-  
26 erence points to a veteran’s score and 10 preference points to a disabled  
27 veteran’s score.

28 “(c) For an application examination that consists of an interview, an  
29 evaluation of the veteran’s performance, experience or training, a  
30 supervisor’s rating or any other method of ranking an applicant that does

1 not result in a score, the employer shall give a preference to the veteran or  
2 disabled veteran. An employer that uses an application examination of the  
3 type described in this paragraph shall devise and apply methods by which the  
4 employer gives [*special consideration*] **preference** in the employer’s hiring  
5 decision to veterans and disabled veterans.

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

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

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

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

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

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

27 “408.237. [(1) *As used in this section:*]

28 “[*(a) ‘Eligibility list’ means a list of ranked eligible candidates for a civil*  
29 *service position who have become eligible for the position through a test or*  
30 *series of tests and who will be considered for the civil service position in*”

1 *ranked order.]*

2 “[(b) ‘Transferable skill’ means a skill that a veteran has obtained through  
3 military education or experience that substantially relates, directly or indi-  
4 rectly, to the civil service position for which the veteran is applying.]

5 “(1) **Preference granted to veterans under ORS 408.230 shall be ap-  
6 plied in accordance with ORS 408.225 to 408.237.**

7 “(2)(a) When an interview is a component of the selection process for a  
8 civil service position or for an eligibility list for a civil service position, a  
9 public employer shall interview [*each veteran:*] **no more than 10 percent,  
10 not to exceed a maximum of 10, of the highest ranked or otherwise  
11 qualified applicants who are veterans or disabled veterans.**

12 “(b) **Notwithstanding paragraph (a) of this subsection, a public  
13 employer shall interview a minimum of five of the highest ranked or  
14 otherwise qualified applicants who are veterans or disabled veterans.  
15 If the number of highest ranked or otherwise qualified applicants who  
16 are veterans or disabled veterans is less than five, the public employer  
17 shall interview all of the highest ranked or otherwise qualified appli-  
18 cants who are veterans or disabled veterans.**

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

22 “[*(b) Who submits application materials that the public employer deter-  
23 mines show sufficient evidence that the veteran has the transferable skills re-  
24 quired and requested by the public employer for the civil service position or  
25 eligibility list.]*

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

29 “(4) A public employer may consult with the Oregon Military Department  
30 and the Department of Veterans’ Affairs to determine whether certain mili-

1 tary education or experience produces a transferable skill.

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

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

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

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

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