

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4038**

1 On page 1 of the printed A-engrossed bill, line 2, after “members;” insert  
2 “creating new provisions; amending ORS 408.230;”.

3 On page 3, after line 11, insert:  
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5 **“VETERANS’ PREFERENCE IN PUBLIC EMPLOYMENT**  
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7 **“SECTION 6.** 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.

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

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

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

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

24       “(5) If a public employer does not appoint a veteran or disabled veteran  
25 to a vacant civil service position, upon written request of the veteran or  
26 disabled veteran, the employer, in writing, shall provide the employer’s rea-  
27 sons for the decision not to appoint the veteran or disabled veteran to the  
28 position. The employer may base a decision not to appoint the veteran or  
29 disabled veteran solely on the veteran’s or disabled veteran’s merits or  
30 qualifications with respect to the vacant civil service position.

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

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

5       **“(8) For purposes of this section, ‘disabled veteran’ includes a per-**  
6 **son who is receiving service-connected compensation from the United**  
7 **States Department of Veterans Affairs under 38 U.S.C. 1110 or 1131.”.**

8       In line 15, delete “6” and insert “7”.

9       In line 21, delete “7” and insert “8”.

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